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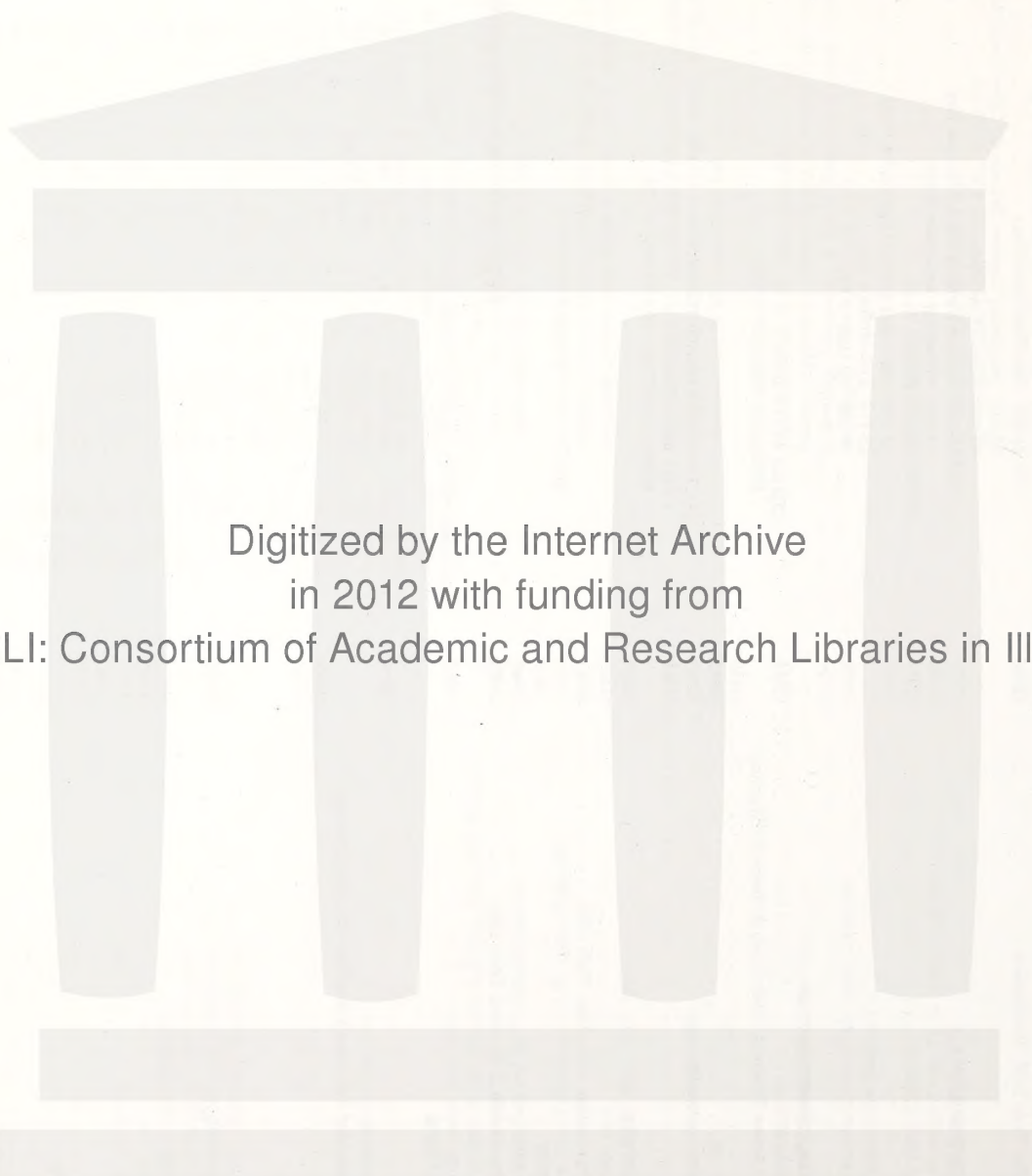
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Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Licensing Standards for Day Care Centers
- 2) Code Citation: 89 Ill. Adm. Code 407
- 3) Section Number: Proposed Action:
407.20 Amend
407.29 Amend
- 4) Statutory Authority: Implementing the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10/1] and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2217) [225 ILCS 10/7].
- 5) A. Complete Description of the Subjects and Issues Involved: These proposed amendments to the day care center standards are incorporating basic hygiene and health procedures to prevent the spread of communicable disease and recognize the requirement that the health examination for children entering day care should include a blood lead level screening, as required by the Department of Public Health, and immunization for haemophilus influenzae B.
- 6) Will this proposed Amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3 (b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street
Springfield, IL 62701-1498
(217) 524-1983
TDD/TTY (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. No public hearings are scheduled. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
- B) Types of small businesses affected: Day care centers.
- C) Reporting, bookkeeping, or other procedures required for compliance: In accordance with these proposed amendments, day care centers are required to assure that children have received a health examination prior to entry into day care. These proposed amendments recognize the public health requirement that health examinations include a blood lead level screening, as required by the Illinois Department of Public Health in its rules, and immunizations for haemophilus influenzae B. These proposed amendments also recognize basic health and hygiene practices in a day care setting.
- D) Types of professional skills required for compliance: Simple clerical and record keeping skills are required for compliance with these proposed amendments.

The full text of the proposed amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENTS

407.31 Plant and Equipment
 407.32 Records and Reports
 407.33 Confidentiality of Records and Information
 407.34 Records Retention
 407.35 Severability of This Part
 APPENDIX A Meal Pattern Chart for Children 0 to 12 Months of Age
 APPENDIX B Meal Pattern Chart for Children Over One Year of Age
 APPENDIX C Minimum Equipment and Supplies -- Pre-School Programs
 APPENDIX D Minimum Equipment and Supplies -- Infant and Toddler Programs
 APPENDIX E Licensed or Registered Professions

AUTHORITY: Implementing the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10/1], Section 3 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2053) [325 ILCS 5/2.1] and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2217) [225 ILCS 10/7].

SOURCE: Adopted and codified at 7 Ill. Reg. 9215, effective August 15, 1983; amended at 8 Ill. Reg. 8713, effective June 15, 1984; amended at 8 Ill. Reg. 24937, effective January 1, 1985; amended at 17 Ill. Reg. _____, effective _____.

Section 407.20 Personal Care and Hygiene

- a) ~~A child's wet or soiled clothing shall be changed immediately.~~
- b) ~~Children's hands shall be washed before and after meals and after toileting.~~
- e) ~~Children shall have shower, tub or sponge baths to ensure bodily cleanliness when necessary.~~
- d) ~~Toilet articles such as comb, brush, toothbrush, towels, and washcloths used by children shall be individually provided by parent(s) or facility; plainly marked and stored individually in a sanitary manner in areas which promote drying. Single use and disposable articles are acceptable.~~
- a) Personal hygiene standards, such as the following, shall be observed:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 407
 LICENSING STANDARDS FOR DAY CARE CENTERS

Section
 407.1 Purpose
 407.2 Definitions
 407.3 Effective Date of Standards
 407.4 Application for License
 407.5 Application for Renewal of License
 407.6 Provisions Pertaining to the License
 407.7 Provisions Pertaining to Permits
 407.8 Organization and Administration
 407.9 Finances
 407.10 General Requirements for Personnel
 407.11 Child Care Director
 407.12 Child Care Workers and Group Workers
 407.13 Child Care Assistants
 407.14 Use of Students
 407.15 Service Staff
 407.16 Substitutes and Volunteers
 407.17 Background Inquiry
 407.18 Admission and Discharge Procedures
 407.19 Discipline
 407.20 Personal Care and Hygiene
 407.21 Program
 407.22 Equipment and Materials
 407.23 Grouping and Staffing
 407.24 Nutrition
 407.25 Night Care
 407.26 Children with Special Needs
 407.27 Infants and Toddlers
 407.28 School-Age Children
 407.29 Health Requirements for Children
 407.30 Transportation

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- 1) Each child shall be provided with an individual towel, washcloth, and drinking cup. Single-use, disposable articles are acceptable.
- 2) A separate sleeping arrangement, such as a bed, cot, crib, or playpen with individual bedding shall be provided for each child. A twin size bed may be used, for two children under age 4, provided each child shall have individual sheets.

A) The bed shall be kept in a clean and sanitary condition at all times, and bedding shall be suitable for the season.

B) Rubber sheets shall be used when necessary.

3) The caregiver shall require parents to supply clothing suitable to weather conditions, as well as a complete change of clothing in case of need.

4) Caregivers and children shall wash and dry their hands before meals, after toileting, and after contact with respiratory secretions.

5) Open cuts, sores or lesions on caregiver(s) or child(ren) shall be covered.

6) Caregivers shall wash their hands prior to food preparation and after any physical contact with a child during food preparation. Hands shall be dried using single-use towels.

7) Sheets shall be changed when soiled and at least weekly.

8) Clothing soiled due to toilet accidents shall be changed immediately.

b) Caregiver(s) shall take reasonable measures to reduce the spread of communicable disease among children in the facility by observing such procedures as:

1) Using only washable toys with diapered child(ren);

2) Washing washable toys at least once per day;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 3) Cleaning facility-provided stuffed toys;
- 4) Washing toys mouthed by one child before they are used by another child; and
- 5) Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.

c) There shall be an emergency plan for each child in case of accident or sudden illness.

1) The caregiver shall have available at all times the name, address, and telephone number where the child's parents or guardian, relative, friend, or physician, and the Department can be reached.

2) There shall be a planned source of readily available emergency medical care: a hospital emergency medical room, clinic, or the child's physician.

3) In case of illness or accident, the parent, guardian, or supervising agency responsible for the child shall be notified immediately, and the child shall be removed from the center as soon as possible.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 407.29 Health Requirements for Children

a) A medical report, on forms prescribed by the Department, shall be on file for each child and shall be dated no earlier than 6 12 months prior to enrollment.

1) The medical report shall be valid for two years, except that subsequent examinations for school-age children shall be in accordance with the requirements of the Illinois School Code (Ill. Rev. Stat. ~~1994~~ 1991, ch. 122, par. 27-8.1) [105 ILCS 5/27-8.1], provided copies of the exam are on file at the facility.

2) A tuberculin test shall be included in the initial exam only. The test shall be administered by the Mantoux method in accordance with the rules of the Illinois Department of Public Health.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

child at all times he/she is in the center.

e) When a day care center admits ill or injured children, a plan for the care of such children must be agreed upon with the parent(s) to assure that the needs of the children for rest, attention, personal care and administration of prescribed medication are met. No child requiring exclusion from the home in accordance with 77 Ill. Adm. Code 690 may be admitted.

f) Necessary medications may be administered to a child at the facility provided that:

- 1) The facility shall maintain a record of the dates, hours, dosages, and the name of the person administering them;
- 2) Prescription medications shall be labeled with the child's name, directions for administering the medication, the date and the physician's name, the prescription number, and drug store or pharmacy;
- 3) The medications shall be administered as required by a physician subject to the receipt of appropriate releases from parents, and these shall be on file for each child for the administration of any and all prescribed medications;
- 4) Nonprescription medication may be administered upon written parental permission. Such medication shall be administered in accordance with package instructions, and, except for aspirin and aspirin substitute, shall be labeled with the child's name and dated.
- 5) Medications shall be kept in locked cabinets or containers which are in an area well-lighted and out of reach of children even if medications must be refrigerated.
- 6) The following additional procedures shall be followed for infants and toddlers:
 - A) A bulletin board or clipboard shall be placed in a visible position with the child's name, medication times, and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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3) No child under six years of age may be admitted to the day care center unless the health examination, complete with lead screening, has been completed as required by public health rules 77 Ill. Adm. Code 665, Child Health Examination.

3) The report shall indicate that the child has been immunized as required by the Rules and Regulations of the Illinois Department of Public Health for immunizations. These required immunizations are poliomyelitis, measles, rubella, diphtheria, mumps, pertussis and tetanus and haemophilus influenzae B.

4) In accordance with the Child Care Act of 1969, as amended, a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent, and kept in the child's record.

5) Exceptions made for children who for medical reasons should not be subjected to immunizations or tuberculin test shall be so indicated by the physician on the child's medical form.

b) Child(ren) with diarrhea and those with a rash combined with fever (oral temperature of 100 degrees Fahrenheit or higher) shall not be admitted to the day care home while these symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.

c) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Diseases (77 Ill. Adm. Code 690.1000) shall be excluded from the home until the Illinois Department of Public Health or local health department authorized by its states, in writing, that the communicable, contagious or infectious stage of the disease has passed and that the child may be re-admitted to the day care center.

d) In order to reduce the risk of infection or contagion to others, space must be provided in the day care center for the isolation and observation of a child who becomes ill. An ill child shall be provided a bed or cot away from other children and a caregiver or assistant shall supervise the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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prescription number listed on the board. Also listed shall be the name of the person administering the medication.

B) Each time the medication is given, the medication time shall be crossed off the board.

C) The same person on a shift shall be responsible for administering medication.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Licensing Standards for Day Care Homes

2) Code Citation: 89 Ill. Adm. Code 406

3) Section Number: Proposed Action:

406.12 Amend

406.13 Amend

406.14 Amend

4) Statutory Authority: Implementing the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10/1] and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2217) [225 ILCS 10/7].

5) A Complete Description of the Subjects and Issues Involved: In 1992, the Department promulgated amendments to Section 406.13, Number and Ages of Children Served, to increase the number of children which may be accepted in day care homes and to reconfigure the staff-child ratios for day care homes. The Department conducted ten public hearings on the proposed amendments in all areas of the state.

The public comments were not uniform. Many individuals testified that the amendments proposed by the Department were too restrictive and would limit needlessly the availability of child care. Many other individuals testified that the proposed amendments did not require adequate supervision and would be hazardous to the health and safety of children. After much debate on this matter, the Department adopted amendments which were a compromise to the public comment received and inserted an automatic repeal date of March 31, 1994 in Section 406.13.

Day care homes have operated under these rules for the 15 month period since adoption of the amendments April 30, 1992. The Department determined, after examining complaint reports, licensing reviews, and general information about the care children have received under this amended Section, that the amendments have not had a negative impact upon children receiving care in a day care home and that their safety and well-being have not been adversely affected by these amendments. Therefore, the Department is proposing these amendments to Section 406.13 to remove the automatic repeal date.

In addition, the Department recognizes the requirement that the health examination for children entering day care should include a blood lead level screening, as required by the Department of Public Health.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- 6) Will this proposed Amendment replace an emergency rule currently in effect?
No.
- 7) Does this rulemaking contain an automatic repeal date: No. These amendments will remove the automatic repeal date.
- 8) Do these proposed amendments contain incorporations by reference?
No.
- 9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3 (b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street
Springfield, Illinois 62701-1498
(217) 524-1983
TDD/TTY (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. No public hearings have been scheduled. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Types of small businesses affected: Day care homes

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- C) Reporting, bookkeeping, or other procedures required for compliance: In accordance with these proposed amendments, day care homes are required to assure that children have received a health examination prior to entry into day care. These amendments recognize the public health requirement that health examinations include a blood lead level screening, as required by the Illinois Department of Public Health in its rules.
- D) Types of professional skills required for compliance: Simple clerical and record keeping skills are required for compliance with these proposed amendments.

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSUREPART 406
LICENSING STANDARDS FOR DAY CARE HOMES

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406.25	Confidentiality of Records and Information
406.26	Cooperation with the Department
406.27	Severability of This Part
APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
APPENDIX B	Meal Pattern Chart for Children Over One Year of Age

AUTHORITY: Implementing the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10/1], Section 3 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2053) [325 ILCS 5/31], and Sections 821 and 822 of the Facilities Requiring Smoke Detectors Act (Ill. Rev.

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Stat. 1991, ch. 127 1/2, pars. 821 and 822) [425 ILCS 10/1 and 10/2] and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2217) [225 ILCS 10/7].

SOURCE: Adopted and codified at 7 Ill. Reg. 7855, effective July 1, 1983; amended at 8 Ill. Reg. 24951, effective January 1, 1985; amended at 9 Ill. Reg. 2454, effective March 1, 1985; emergency amendment at 15 Ill. Reg. 15088, effective October 8, 1991, for a maximum of 150 days; modified at 16 Ill. Reg. 2269; amended at 16 Ill. Reg. 7602, effective April 30, 1992; amended at 17 Ill. Reg. _____, effective _____.

Section 406.12 Admission and Discharge Procedures

- a) Children served in a day care home shall not remain on the premises for more than 12 hours in any 24-hour period, unless the parent's employment schedule requires more than 12 hours of day care. At no time shall children cared for in a day care facility remain on the premises for 24 consecutive hours.
- b) Prior to acceptance of a child for care, the caregiver shall require that the parent or guardian accompany the child to the home to become acquainted with the caregiver and with the service to be provided. No child under six years of age may be admitted to the day care home unless the health examination, complete with lead screening, has been completed as required by public health rules 77 Ill. Adm. Code 665, Child Health Examination.
- c) The parent(s) or guardian shall be permitted to visit the home, without prior notice, during the hours their child(ren) is/are in care.
- d) A child shall be discharged from the facility only to the child's parent(s) or guardian or to a person designated in writing by the parent(s) or guardian to receive the child.
- e) The caregiver shall refuse to release a child to any person, whether related or unrelated to the child, who has not been authorized, in writing, by the parent(s) or guardian to receive the child. Persons not known to the caregiver shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.
- f) The facility shall maintain a list of persons designated, in writing, by the parent(s), or guardian to whom the facility can be expected to

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3) A school age group consisting of eight school age children, as defined in Section 406.2.

c) In addition to the children who may receive day care in accordance with subsection (b) above, a day care home may accept four additional children who are attending school full-time if a before and/or after school assistant is employed and a fire clearance is obtained. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer. The assistant shall be present at all times when school children are present.

d) A caregiver and an assistant may care for a total of eight children under five years of age of which up to five children may be under 24 months of age. Four additional children who are attending school full-time may be accepted for care only if the assistant is age 18 or over and a fire clearance is obtained. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer.

e) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 12 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.

f) When the acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan which will be submitted to the licensing representative for review and approval. The plan may be approved when:

- 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards,
- 2) At least one of the siblings has been in care for 30 days or more, and
- 3) The transition plan will bring the home back into compliance with the established age groupings within 6 months of the date the plan is approved.

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discharge the child at least once per week. These persons, in addition to the parent(s) or guardian, shall constitute the primary list of persons to whom the child may be released. In addition, the facility shall maintain a contingency list of persons designated, in writing, by the parent(s) or guardian to whom the child may be released less frequently than once per week. When the child is released to a person on the contingency list, the facility shall maintain a record of the person to whom the child was released, the date and time that the child was released, and the manner that the child left the facility (whether on foot, by passenger car, by taxicab or other means of transportation).

g) Other discharge provisions of this Section notwithstanding, a child leaving the day care home to attend school shall be released in accordance with the written authorization of the parent(s) or guardian. Such authorization shall include the time that the child is to be released and the means of transportation the child is to use.

(Source: Amended at 17 Ill. Reg. _____ effective _____)

Section 406.13 Number and Ages of Children Served

a) The maximum number of children cared for in a day care home shall be 12 children under the age of 12, including the caregiver's own children, related children, and unrelated children.

b) A caregiver alone may care for:

- 1) A mixed age group consisting of:
 - A) Up to eight children under the age of 12, of which
 - B) Up to five children may be under the age of five, of which
 - C) Up to three children may be under 24 months of age.
- 2) A pre-school group consisting of:
 - A) Up to eight children under the age of 12, of which
 - B) Up to six children may be under the age of five, of which
 - C) No child may be under age three.

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- g) Caregivers licensed as of the effective date of these amendments who are in full compliance with the standards of this Part may request in writing an increase in license capacity to the maximum of 12 children. A decision regarding the increase in capacity shall be rendered within 90 days of receipt of the request. Decisions shall be made in accordance with the amended standards of this Part.
- h) ~~This Section is effective for a two-year period ending March 31, 1994. The Department will review the impact of this Section on licensed day care homes and on the safety and well-being of the children and the caregiving environment. The Department shall propose amendments, as indicated, no later than July 1, 1993.~~

(Source: Amended at 17 Ill. Reg. _____ effective _____)

Section 406.14 Health and Medical Care

- a) The caregiver shall conduct a daily, pre-admissions screening to determine if the child has obvious symptoms of illness. If symptoms of illness are present, the caregiver shall determine whether or not to provide care for the child, depending upon the apparent degree of illness, other children present, and facilities available to provide care for the ill child.
- b) Child(ren) with diarrhea and those with a rash combined with fever (oral temperature of 100 degrees Fahrenheit or higher) shall not be admitted to the day care home while these symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.

- c) A medical report, on forms prescribed by the Department, shall be on file for each child and shall be dated no earlier than 6 12 months prior to enrollment.

- 1) The medical report shall be valid for two years, except that subsequent examinations for school-age children shall be in accordance with the requirements of The School Code (Ill. Rev. Stat. 1991, ch. 122, Article 27, par. 27-8-1) [105 ILCS 5/27-8.1], provided copies of the exam are on file at the facility.
- 2) A tuberculin skin test shall be included in the initial exam only. The test shall be administered by the Mantoux method in accordance with the rules of the Illinois Department of Public Health.

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- 3) Lead screening shall be completed for children age six and below in accordance with the rules of the Illinois Department of Public Health (77 Ill. Adm. Code 665).
- 4) ~~The report shall indicate that the child has been immunized as required by the rules of the Illinois Department of Public Health for immunizations. These required immunizations are poliomyelitis, measles, rubella, diphtheria, mumps, pertussis, tetanus, and haemophilus influenzae B.~~
- 5) ~~In accordance with the Child Care Act of 1969, as amended, a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent, and kept in the child's record.~~
- 6) ~~Exceptions made for children who for medical reasons should not be subjected to immunizations or tuberculin tests shall be so indicated by the physician on the child's medical form.~~
- d) ~~A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Diseases (77 Ill. Adm. Code 690.1000) shall be excluded from the home until the Illinois Department of Public Health or local health department authorized by it states, in writing, that the communicable, contagious or infectious stage of the disease has passed and that the child may be re-admitted to the day care home.~~

- e) Necessary medications shall be administered according to specific instructions.

- 1) Prescription medicine labels must bear the child's name, the physician's name, the name of the drug store or pharmacy, prescription number, date of the prescription, and directions for administering.

- 2) Non-prescription medication may be administered upon written parental permission which specifies the duration and frequency of medication. Such medication shall be administered in accordance with package instructions, and, except for aspirin and aspirin substitutes, shall be labeled with the child's name and dated.

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- 3) There shall be a signed statement by the child's parent or guardian giving permission to the caregiver to administer medication to the child.
- 4) The caregiver shall maintain a record of the dates, hours and dosages which are given.
- 5) Medication shall be returned to the parent(s) when it is no longer required. Additionally, medication provided for a child no longer cared for in the facility and medication which has reached its expiration date shall be destroyed.
- 6) Medical services, such as direct medical care to the child, shall be administered as required by a physician, subject to the receipt of appropriate releases from parents.
- f) In order to reduce the risk of infection or contagion to others, space must be provided in the day care home for the isolation and observation of a child who becomes ill. An ill child shall be provided a bed or cot away from other children and a caregiver or assistant shall supervise the child at all times he/she is in the home.
- g) When a day care home admits ill or injured children, a plan for the care of such children must be agreed upon with the parent(s) to assure that the needs of the children for rest, attention, personal care and administration of prescribed medication are met. No child requiring exclusion from the home in accordance with 77 Ill. Adm. Code 690 may be admitted.
- h) Personal hygiene standards, such as the following, shall be observed:
 - 1) Each child shall be provided with an individual towel, washcloth, and drinking cup. Single-use, disposable articles are acceptable.
 - 2) A separate sleeping arrangement, such as a bed, cot, crib, or playpen with individual bedding shall be provided for each child. A twin size bed may be used, for 2 children under age 4, provided each child shall have individual sheets.
 - A) The bed shall be kept in a clean and sanitary condition at all times, and bedding shall be suitable for the season.
 - B) Family beds may be used for children if separate linens

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are used.

- C) Rubber sheets shall be used when necessary.
- 3) The caregiver shall require parents to supply clothing suitable to weather conditions, as well as a complete change of clothing in case of need.
- 4) Caregivers and children shall wash and dry their hands before meals, after toileting, and after contact with respiratory secretions.
- 5) Open cuts, sores or lesions on caregiver(s) or child(ren) shall be covered.
- 6) Caregivers shall wash their hands prior to food preparation and after any physical contact with a child during food preparation. Hands shall be dried using single-use towels.
- 7) Sheets shall be changed when soiled and at least weekly.
- 8) Clothing soiled due to toilet accidents shall be changed immediately.
- i) Caregiver(s) shall take reasonable measures to reduce the spread of communicable disease among children in the facility by observing such procedures as:
 - 1) Using only washable toys with diapered child(ren);
 - 2) Washing washable toys at least once per day;
 - 3) Cleaning facility-provided stuffed toys;
 - 4) Washing toys mouthed by one child before they are used by another child; and
 - 5) Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.
- j) There shall be an emergency plan for each child in case of accident or sudden illness.
- 1) The caregiver shall have available at all times the name,

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address, and telephone number where the child's parents or guardian, relative, friend, or physician, and the Department can be reached.

- 2) There shall be a planned source of readily available emergency medical care; a hospital emergency medical room, clinic, or the child's physician.
- 3) When the caregiver accompanies a child to the source of emergency care, an adult who meets the standards prescribed by Section 406.11, must assume supervision of other children in the home.
- 4) In case of illness or accident, the parent, guardian, or supervising agency responsible for the child shall be notified immediately, and the child shall be removed from the home as soon as possible.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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- 1) Heading of Part: Licensing Standards for Group Day Care Homes
- 2) Code Citation: 89 Ill. Adm. Code 408
- 3) Section Number: Proposed Action:
 408.60 Amend
 408.65 Amend
 408.70 Amend
- 4) Statutory Authority: Implementing the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10/1] and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2217) [225 ILCS 10/7].

5) A Complete Description of the Subjects and Issues Involved: In 1992, the Department promulgated amendments to Section 408.65, Number and Ages of Children Served, to increase the number of children which may be accepted in group day care homes and to reconfigure the staff-child ratios for group day care homes. The Department conducted ten public hearings on the proposed amendments in all areas of the state.

The public comments were not uniform. Many individuals testified that the amendments proposed by the Department were too restrictive and would limit needlessly the availability of child care. Many other individuals testified that the proposed amendments did not require adequate supervision and would be hazardous to the health and safety of children. After much debate on this matter, the Department adopted amendments which were a compromise to the public comment received and inserted an automatic repeal date of March 31, 1994 in Section 408.65.

Group day care homes have operated under these rules for the 15 month period since adoption of the amendments April 30, 1992. The Department determined, after examining complaint reports, licensing reviews, and general information about the care children have received under this amended Section, that the amendments have not had a negative impact upon children receiving care in a day care home and that their safety and well-being have not been adversely affected by these amendments. Therefore, the Department is proposing these amendments to Section 408.65 to remove the automatic repeal date.

In addition, the Department recognizes the requirement that the health examination for children entering day care should include a blood lead level screening, as required by the Department of Public Health.

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- 6) Will this proposed Amendment replace an emergency rule currently in effect?
No.
- 7) Does this rulemaking contain an automatic repeal date: No. These amendments will remove the automatic repeal date.
- 8) Do these proposed amendments contain incorporations by reference?
No.
- 9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3 (b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3].

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street
Springfield, Illinois 62701-1498
(217) 524-1983
TDD/TTY (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. No public hearings have been scheduled. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Types of small businesses affected: Group day care homes.

C) Reporting, bookkeeping, or other procedures required for compliance:
In accordance with these proposed amendments, group day care homes are required to assure that children have received a health examination prior to entry into day care. These amendments recognize the public health requirement that health examinations include a blood lead level screening, as required by the Illinois Department of Public Health in its rules.

D) Types of professional skills required for compliance: Simple clerical and record keeping skills are required for compliance with these proposed amendments.

The full text of the proposed amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 408

LICENSING STANDARDS FOR GROUP DAY CARE HOMES

Section

408.1	Purpose
408.5	Definitions
408.7	Effective Date of Standards
408.10	Application For License
408.15	Provisions Pertaining to the License
408.20	Provisions Pertaining to Permits
408.25	General Requirements for Group Day Care Homes
408.30	General Requirements for Group Day Care Homes
408.35	General Requirements for Group Day Care Home Family
408.40	Background Checks
408.45	Caregiver(s)
408.50	Child Care Assistant(s)
408.55	Substitute(s)
408.60	Admission and Discharge Procedures
408.65	Number and Ages of Children Served
408.70	Health and Medical Care
408.75	Discipline of Children
408.80	Nutrition and Meals
408.85	Program
408.90	Transportation of Children
408.95	Swimming
408.100	Children with Special Needs
408.105	Children Under 30 Months of Age
408.110	School Age Children
408.115	Night Care
408.120	Records and Reports
408.125	Confidentiality of Records and Information
408.130	Cooperation with the Department
408.135	Severability of This Part
APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
APPENDIX B	Meal Pattern Chart for Children Over One Year of Age
APPENDIX C	Minimum Equipment and Supplies - Preschool Programs
APPENDIX D	Minimum Equipment and Supplies - Infant and Toddler Programs

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AUTHORITY: Implementing the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10/1]. Section 3 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2053) [325 ILCS 5/2.1], and Sections 821 and 822 of the Facilities Requiring Smoke Detectors Act (Ill. Rev. Stat. 1991, ch. 127 1/2, pars. 821 and 822) [425 ILCS 10/1 and 10/2] and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2217) [225 ILCS 10/7].

SOURCE: Adopted at 13 Ill. Reg. 14828, effective October 1, 1989; emergency amendment at 15 Ill. Reg. 15104, effective October 8, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 8950, effective May 30, 1992; amended at 17 Ill. Reg. _____, effective _____.

Section 408.60 Admission and Discharge Procedures

- a) Child(ren) served in a day care facility shall not remain on the premises for more than 12 hours in any 24-hour period unless the parent's employment schedule requires more than 12 hours of day care. At no time shall child(ren) cared for in a day care facility remain on the premises for 24 consecutive hours.
- b) Prior to acceptance of a child for care, the caregiver shall require that the parent(s) or guardian accompany the child to the home to become acquainted with the caregiver and with the service to be provided. No child under six years of age may be admitted to the group day care home unless the health examination, complete with lead screening, has been completed as required by public health rules 77 Ill. Adm. Code 665, Child Health Examination.
- c) The parent(s) or guardian shall be permitted to visit the home without prior notice, during the hours their child(ren) is/are in care.
- d) The caregiver(s) shall conduct a daily, pre-admissions screening to determine if the child has obvious symptoms of illness. If symptoms of illness are present, the caregiver shall determine whether or not to provide care for the child, depending upon the apparent degree of illness, other children present, and facilities available to provide care for the ill child in accordance with the requirements of Section 408.70.
- e) Child(ren) with diarrhea and those with rash combined with fever (oral temperature of 100 degrees Fahrenheit or higher) shall not be admitted to the group day care home while these symptoms persist, and shall be removed as soon as possible should these symptoms

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develop while the child is in care.

- f) A child shall be discharged from the facility only to the child's parent(s) or guardian or to a person designated in writing by the parent(s) or guardian to receive the child.
- g) The caregiver shall refuse to release a child to any person, whether related or unrelated to the child, who has not been authorized, in writing, by the parent(s) or guardian to receive the child. Persons not known to the caregiver shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.
- h) The facility shall maintain a list of persons designated, in writing, by the parent(s), or guardian to whom the facility can be expected to discharge the child at least once per week. These persons, in addition to the parent(s) or guardian, shall constitute the primary list of persons to whom the child may be released. In addition, the facility shall maintain a contingency list of persons designated, in writing, by the parent(s) or guardian to whom the child may be released less frequently than once per week. When the child is released to a person on the contingency list, the facility shall maintain a record of the person to whom the child was released, the date and time that the child was released, and the manner that the child left the facility (whether on foot, by passenger car, by taxicab or other means of transportation.)
- i) Other discharge provisions of this Section notwithstanding, a child leaving the group day care home to attend school shall be released in accordance with the written authorization of the parent(s) or guardian. Such authorization shall include the time that the child is to be released and the means of transportation the child is to use.

(Source: Amended at 17 Ill. Reg. _____ effective _____)

Section 408.65 Number and Ages of Children Served

- a) The maximum number of children cared for in a group day care home shall be 16 children under the age of 12, including the caregiver's own children, related children, and unrelated children.
- b) Twelve (12) children between 3 and 6 years of age may be cared for by a caregiver and an assistant 18 years of age or older. The

assistant must be present when more than six (6) such children are present.

- c) Except as provided by subsection (b) above, the number of children to be served in the group day care home at any one time (license capacity) when a caregiver and assistant are present shall be determined in accordance with the following:

- 1) No more than four (4) children under 15 months of age shall be cared for in a group day care home; and
- 2) No more than six (6) children under 30 months of age shall be cared for in a group day care home of which no more than four (4) children may be under 15 months of age;
- 3) No more than twelve (12) children under six (6) years of age shall be cared for in a group day care home of which no more than six (6) children may be under 30 months of age and four (4) under 15 months of age.

- d) A caregiver alone may care for:

- 1) A mixed age group consisting of:

- A) Up to eight children under twelve years of age, of which
- B) Up to five children may be under five years of age, of which
- C) No more than three children may be under 24 months of age; or
- 2) Up to eight pre-school children if no child is under age three; or
- 3) Up to twelve school age children as defined by Section 408.5.

- e) In addition to the children who may receive day care in accordance with the requirements above, a group day care home may accept four additional children who are attending school full-time if a part-time before and/or after school assistant is employed and a fire clearances obtained. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer. The assistant shall be present at all times when school children are present.

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- f) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 16 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.
- g) When acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan which will be submitted to the licensing representative for review and approval. The plan may be approved when:
- 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards, and
 - 2) At least one of the siblings has been in care for 30 days or more, and
 - 3) The transition plan will bring the home back into compliance with the established age groupings within six months of the date the plan is approved.
- h) Caregivers licensed as of the effective date of these amendments who are in full compliance with the standards of this Part may request in writing an increase in licensed capacity to the maximum. A decision regarding the increase in capacity shall be rendered within ninety days of receipt of the request. Decisions shall be made in accordance with the amended standards of this Part.

i) ~~This Section is effective for a two-year period ending March 31, 1994. The Department will review the impact of this Section on licensed day care homes and on the safety and well-being of the children and the caregiving environment. The Department shall propose amendments, as indicated, no later than July 1, 1993.~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 408.70 Health and Medical Care

- a) A medical report, on forms prescribed by the Department, shall be on file for each child and shall be dated no earlier than 6 months prior to enrollment.

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- 1) The medical report shall be valid for two years, except that subsequent examinations for school-age children shall be in accordance with the requirements of Section 27-8.1 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 27-8.1) [105 ILCS 5/27-8.1], provided copies of the exam are on file at the facility.
- 2) A tuberculin skin test shall be included in the initial exam only. The test shall be administered by the Mantoux method in accordance with the rules of the Illinois Department of Public Health.
- 3) Lead screening shall be completed for children age six and below in accordance with the rules of the Illinois Department of Public Health (77 Ill. Adm. Code 665).
- 4) The report shall indicate that the child has been immunized as required by the rules of the Illinois Department of Public Health for immunizations. These required immunizations are poliomyelitis, measles, rubella, diphtheria, mumps, pertussis, tetanus and haemophilus influenzae B.
- 5) In accordance with the Child Care Act of 1969, as amended, a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent, and kept in the child's record.
- 6) Exceptions made for children who for medical reasons should not be subjected to immunizations or tuberculin test shall be so indicated by the physician on the child's medical form.
- 7) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Disease (77 Ill. Adm. Code 690.1000) shall be excluded from the home until the Illinois Department of Public Health or local health department authorized by it states, in writing, that the communicable, contagious or infectious stage of the disease has passed and that the child may be re-admitted to the group day care home.
- 8) Necessary medications shall be administered according to specific instructions.

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- 1) Prescription medicine labels must bear the child's name, the physician's name, the name of the drug store or pharmacy, prescription number, date of the prescription, and directions for administering.
- 2) Nonprescription medication provided by the parent(s) may be administered upon written parental permission which specifies the duration and frequency of medication. Such medication shall be administered in accordance with package instructions, and shall be labeled with the child's name and dated.
- 3) There shall be a signed statement by the child's parent or guardian giving permission to the caregiver to administer medication to the child.
- 4) The caregiver shall maintain a record of the dates, hours and dosages which are given.
- 5) Medication shall be returned to the parent(s) when it is no longer required. Additionally, medication provided for a child no longer cared for in the facility and medication which has reached its expiration date shall be destroyed.
- 6) Medical services, such as direct medical care to the child, shall be administered as required by a physician, subject to the receipt of appropriate releases from parent(s).
- d) Personal hygiene standards, such as the following, shall be observed:
 - 1) Each child shall be provided with an individual towel, washcloth, and drinking cup. Single-use, disposable articles are acceptable.
 - 2) A separate sleeping arrangement, such as a bed, cot, crib, or playpen with individual bedding shall be provided for each child. A twin size bed may be used, for 2 children under age 4, provided each child shall have individual sheets.
 - A) The bed shall be kept in a clean and sanitary condition at all times, and bedding shall be suitable for the season.
 - B) Family beds may be used for child(ren) if separate linens are used.

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- C) Rubber sheets shall be used when necessary.
- 3) The caregiver shall require parent(s) to supply clothing suitable to weather conditions, as well as a complete change of clothing in case of need.
- 4) Caregiver(s) and child(ren) shall wash and dry their hands before meals, after toileting, and after contact with respiratory secretions.
- 5) Open cuts, sores or lesions on caregiver(s) or child(ren) shall be covered.
- 6) Caregiver(s) shall wash their hands prior to food preparation and after any physical contact with a child during food preparation. Hands shall be dried using single-use towels.
- 7) Sheets shall be changed when soiled and at least weekly.
- 8) Clothing soiled due to toilet accidents shall be changed immediately.
- e) In order to reduce the risk of infection or contagion to others, there must be space provided in the group day care home for the isolation and observation of a child who becomes ill. An ill child shall be provided a bed or cot away from other children and a caregiver or assistant shall supervise the child at all times he/she is in the home.
- f) When a group day care home admits an ill or injured child(ren), a plan for the care of such child(ren) must be agreed upon with the parent(s) to assure that the needs of the child(ren) for rest, attention, personal care and administration of prescribed medication are met. No child requiring exclusion from the home in accordance with 77 Ill. Adm. Code 690 may be admitted.
- g) Caregiver(s) shall take reasonable measures to reduce the spread of communicable disease among children in the facility by observing such procedures as:
 - 1) Using only washable toys with diapered child(ren);
 - 2) Washing washable toys at least once per day;
 - 3) Cleaning facility-provided stuffed toys;

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- 4) Washing toys mouthed by one child before they are used by another child; and
 - 5) Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.
- h) There shall be an emergency plan for each child in case of accident or sudden illness.
- 1) The caregiver shall have available at all time the name, address, and telephone number where the child's parents or guardian, relative, friend, or physician, and the Department can be reached.
 - 2) There shall be a planned source of readily available emergency medical care: a hospital emergency medical room, clinic, or the child's physician.
 - 3) When the caregiver accompanies a child to the source of emergency care, an adult must assume supervision of other child(ren) in the home.
 - 4) In case of illness or accident, the parent, guardian, or supervising agency responsible for the child shall be notified immediately.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Imputation
- 2) Code Citation: 83 Ill. Adm. Code 792
- 3) Section Numbers: Proposed Action:

792.10	New Section
792.20	New Section
792.30	New Section
792.40	New Section
792.50	New Section
- 4) Statutory Authority: Implementing Section 13-505.1 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 13-501.1 and 10-101, as amended by P.A. 87-856, effective May 14, 1992) [220 ILCS 5/13-505.1 and 10-101].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules will implement Section 13-505.1 of the Public Utilities Act, which requires an imputation test to determine whether the aggregate revenue for each competitive telecommunications service exceeds the costs to be imputed for each service based on the carrier's own routing agreements.
- 6) Will these proposed rules replace emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date: No.
- 8) Do these proposed rules contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any state mandate on units of local government, school districts, or community college districts.

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NOTICE OF PROPOSED RULES

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

- 12) Initial Regulatory Flexibility Analysis:

A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 15, 1993

B) Types of small businesses affected: This amendment will affect those utilities that are also small businesses as defined in the Illinois Administrative Procedure Act.

C) Reporting, bookkeeping or other procedures required for compliance: Accounting procedures.

D) Types of professional skills necessary for compliance: Managerial skills

The full text of the Proposed Rules begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 792
IMPUTATION

Section
792.10 Carriers Subject to Imputation Rules
792.20 Services Subject to Imputation
792.30 When an Imputation Test Must Be Filed
792.40 Minimum Filing Requirements for an Imputation Test
792.50 Proprietary Treatment

AUTHORITY: Implementing Section 13-505.1 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 13-505.1 and 10-101, as amended by P.A. 87-856, effective May 14, 1992) [220 ILCS 5/13-505.1 and 10-101].

SOURCE: Adopted at Ill. Reg. , effective .

Section 792.10 Carriers Subject to Imputation Rules

This Part applies to any telecommunications carrier ("carrier") providing both competitive and noncompetitive telecommunications services, as specified in Section 13-505.1 of the Public Utilities Act ("Act") (Ill. Rev. Stat. 1991, ch. 111 2/3, par. 13-505.1, as amended by P. A. 87-856, effective May 14, 1992) [220 ILCS 5/13-505.1], except those carriers that are specifically exempted in Section 13-504(b) of the Act.

Section 792.20 Services Subject to Imputation

A telecommunications service ("service"), as defined in Section 13-203 of the Act, is subject to imputation if it meets the description of subject services in Section 13-505.1 of the Act.

Section 792.30 When an Imputation Test Must Be Filed

- a) Initial tests. A subject carrier shall file with the Illinois Commerce Commission ("Commission") a list of all services, specifying those services that are subject to the requirements of Section 13-505.1 of the Act and filing an imputation test for each such subject service. Initial imputation tests, unless previously filed in another proceeding, must be filed with the Commission within 90 days after the effective date of this Part. After notice and hearing, the Commission shall issue an

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order determining whether the initial imputation test for each subject service and the result of such test satisfy the requirements of Section 13-505.1 of the Act. The Commission shall make its determination and issue its final order within 120 days or, if previously filed in another proceeding, as part of the order in that proceeding. The 120 day requirement, if applicable, may be extended by written agreement of all parties to the proceeding.

- b) Subsequent tests. After the filing of the initial imputation test, an imputation test must be filed whenever a new service is subject to Section 13-505.1 of the Act or an existing service becomes subject to Section 13-505.1 of the Act. Such test shall be revised or updated under the following circumstances:

- 1) When any tariff is filed reclassifying a noncompetitive service as a competitive service that is subject to imputation;
 - 2) When any tariff is filed that reduces rates for a service that is subject to imputation under Section 13-505.1 of the Act; and
 - 3) When any tariff is filed that increases rates for a noncompetitive service or a noncompetitive service element, or its functional equivalent, which is utilized in providing a service subject to imputation.
- c) When the list of services subject to imputation changes, such revisions shall be filed with the Director of the Telecommunications Department in the Public Utilities Division of the Commission.

Section 792.40 Minimum Filing Requirements for an Imputation Test

- a) Any imputation test filed with the Commission shall include the following:

- 1) For each service subject to imputation, a list of noncompetitive services or noncompetitive service elements, or their functional equivalent, that are utilized to provide the service;

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- 2) For each service subject to imputation, an illustration or description of the service, identifying the noncompetitive services and noncompetitive service elements, or their functional equivalent, that are utilized to provide the service;
- 3) For each service subject to imputation, a description of the underlying methods, assumptions, mathematical formulas, and level of disaggregation of data that will be used in performing the imputation test. The underlying methods, assumptions, mathematical formulas, and level of disaggregation of data used in an imputation test shall be consistent with Section 13-505.1 of the Act, where the imputed costs of a service are defined as the sum of the following:

- A) Specifically tariffed premium rates for the noncompetitive services or noncompetitive service elements, or their functional equivalent, that are utilized to provide the service;
 - B) The long-run service incremental costs of facilities and functionalities that are utilized but not specifically tariffed; and
 - C) Any other identifiable, long-run service incremental costs associated with the provision of the service (Section 13-505.1 of the Act); and
- 4) The results of the imputation test.
- b) Any imputation test filed in compliance with subsection (a) (3) above shall comply with the requirements for long-run service incremental cost studies in 83 Ill. Adm. Code 791.

Section 792.50 Proprietary Treatment

Any numerical data and results contained in the imputation test and any subsequent revisions shall be accorded proprietary treatment under the Commission's Rules of Practice (83 Ill. Adm. Code 200).

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3) Section Numbers: Proposed Action:
1501.303 amendment
1501.508 amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 122, pars. 102-4 [110 ILCS 805/2-4]; 102-12d [110 ILCS 805/2-12d]; and 102-16.2 [110 ILCS 805/2-16.2]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments to 1501.303 are designed to coordinate the colleges' program review process with the annual statewide follow-up study of occupational program completers and accountability reporting requirements. The proposed amendments to 1501.508 provide authority for colleges to expend grant funds for informational materials to inform students of special services for which they may be eligible, additional testing and assessment fees or materials, and assistive technology equipment for students with physical disabilities that may make it difficult to participate.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Register Citation:</u>
1501.102	amendment	7 Ill. Reg. 6686
1501.105	amendment	7 Ill. Reg. 6686
1501.109	amendment	7 Ill. Reg. 6686
1501.110	amendment	7 Ill. Reg. 6686
1501.201	amendment	7 Ill. Reg. 6686
1501.202	amendment	7 Ill. Reg. 6686
1501.301	amendment	7 Ill. Reg. 6686
1501.302	amendment	7 Ill. Reg. 6686

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1501.307	amendment	7 Ill. Reg. 6686
1501.309	amendment	7 Ill. Reg. 6686
1501.406	amendment	7 Ill. Reg. 6686
1501.501	amendment	7 Ill. Reg. 6686
1501.503	amendment	7 Ill. Reg. 6686
1501.505	amendment	7 Ill. Reg. 6686
1501.507	amendment	7 Ill. Reg. 6686
1501.516	amendment	7 Ill. Reg. 6686
1501.607	amendment	7 Ill. Reg. 6686
1501.703	amendment	7 Ill. Reg. 6686

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on these proposed amendments may submit them in writing by no later than 45 days after publication of this notice to:

Christine Merrifield, Deputy Director
Illinois Community College Board
509 South Sixth Street, Room 400
Springfield, Illinois 62701-1874
Telephone: (217) 785-0085
- 12) Initial Regulatory Flexibility Analysis: Not Applicable

The full text of the Proposed Rules begins on the next page:

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION

CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section

- 1501.101 Definition of Terms
- 1501.102 Advisory Groups
- 1501.103 Rule Adoption (Recodified)
- 1501.104 Manuals
- 1501.105 Advisory Opinions
- 1501.106 Executive Director
- 1501.107 Information Request (Recodified)
- 1501.108 Organization of ICCB (Recodified)
- 1501.109 Appearance at ICCB Meetings
- 1501.110 Appeal Procedure
- 1501.111 Reporting Requirements (Repealed)
- 1501.112 Certification of Organization (Repealed)
- 1501.113 Administration of Detachments and Subsequent Annexations
- 1501.114 Recognition

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section

- 1501.201 Reporting Requirements
- 1501.202 Certification of Organization
- 1501.203 Delineation of Responsibilities
- 1501.204 Maintenance of Documents or Information
- 1501.205 Recognition Standards (Repealed)

SUBPART C: PROGRAMS

Section

- 1501.301 Definition of Terms
- 1501.302 Units of Instruction, Research, and Public Service

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- 1501.303 Program Requirements
- 1501.304 Statewide and Regional Planning
- 1501.305 College, Branch, Campus, and Extension Centers
- 1501.306 State or Federal Institutions (Repealed)
- 1501.307 Cooperative Agreements and Contracts
- 1501.308 Reporting Requirements
- 1501.309 Course Classification and Applicability

SUBPART D: STUDENTS

Section

- 1501.401 Definition of Terms
- 1501.402 Admission of Students
- 1501.403 Student Services
- 1501.404 Academic Records
- 1501.405 Student Evaluation
- 1501.406 Reporting Requirements

SUBPART E: FINANCE

Section

- 1501.501 Definition of Terms
- 1501.502 Financial Planning
- 1501.503 Audits
- 1501.504 Budgets
- 1501.505 ~~Nonresident Non-Resident~~ Student Tuition Calculations
- 1501.506 Published Financial Statements
- 1501.507 Credit Hour Grants
- 1501.508 Special Populations Grants
- 1501.509 Workforce Preparation Grants
- 1501.510 Reporting Requirements
- 1501.511 Chart of Accounts
- 1501.514 Business Assistance Grants (Repealed)
- 1501.515 Advanced Technology Equipment Grants
- 1501.516 ~~Capital Renewal Repair and Renovation~~ Grants
- 1501.517 Retirees Health Insurance Grants
- 1501.518 Uncollectible Debts

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emergency amendment at Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; amended at 17 Ill. Reg. _____, effective _____.

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SUBPART F: CAPITAL PROJECTS

- Section
- 1501.601 Definition of Terms
- 1501.602 Approval of Capital Projects
- 1501.603 State Funded Capital Projects
- 1501.604 Locally Funded Capital Projects
- 1501.605 Project Changes
- 1501.606 Progress Reports (Repealed)
- 1501.607 Reporting Requirements
- 1501.608 Approval of Projects in Section 3-20.3.01 of the Act
- 1501.609 Completion of Projects Under Section 3-20.3.01 of the Act
- 1501.610 Demolition of Facilities

SUBPART G: STATE COMMUNITY COLLEGE

- Section
- 1501.701 Definition of Terms
- 1501.702 Applicability
- 1501.703 Recognition
- 1501.704 Programs
- 1501.705 Finance
- 1501.706 Personnel
- 1501.707 Facilities

SUBPART H: PERSONNEL

- Section
- 1501.801 Definition of Terms
- 1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act (Ill. Rev. Stat. 1991, ch. 122, pars. 102-1 et seq., pars. 103-1 et seq., and par. 106-5.3)[110 ILCS 805/2-1 et seq., 805/3-1, and 6-5.3]

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984;

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SUBPART C: PROGRAMS

Section 1501.303 Program Requirements

- a) Comprehensive Program. The programs of each college shall be comprehensive and shall include: pre-baccalaureate, occupational, and general studies curricula, and public service programs.
- b) Degrees and Certificates. A college shall award associate degrees and certificates in accordance with units of instruction approved by the ICCB. This authority is not extended to administrative units of the college.
- c) Honorary Degrees. Honorary degrees awarded by a Board shall be limited to the associate degree.
- d) Review and Evaluation of Programs.

- 1) Each college shall have ~~and implement~~ a systematic, college-wide program review ~~and evaluation~~ process for evaluating all of its both instructional, student services, and academic support programs and student and supporting services on at least once within a five-year cycle. If the college's special circumstances indicate a longer cycle would be beneficial, the college may request an exception by submitting an explanation of the special circumstances and the college's plan for program review based on a longer cycle to the ICCB. The ICCB will grant the exception when a longer evaluation cycle had been established previous to fiscal year 1984 or if the college has more than ten (10) programs to evaluate. A written response to the request for exception will be submitted to the college within thirty (30) days of receipt of the request.

- 2) The minimum review criteria for program review shall be program need, program cost, and program quality, as defined by each college.
- 3) Each college shall develop a schedule that shows when each program will be reviewed during each five-year cycle. Occupational programs shall be scheduled in the year following their inclusion in the ICCB follow-up study unless the college obtains an exception in writing from the ICCB. The review of general education objectives of the academic programs shall be scheduled annually, but may focus each year on areas specified by the Illinois Board of Higher Education and ICCB. Each college shall keep on file a copy of the process adopted and individual program review for ICCB Recognition purposes.

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- 4) The ICCB may request the college to include special reviews of programs that have been identified as a result of state-level analyses, legislative resolutions, or Illinois Board of Higher Education policy studies by notifying the college of this request prior to January 1 of the year the special review is to be conducted. ~~Each college shall submit to ICCB a list of programs to be reviewed in the following year and a summary report of the previous year's program review results by August 1 each year.~~
- 5) Each college shall keep on file for ICCB recognition purposes a copy of its current program review process, its five-year schedule for program review, and complete reports of program reviews conducted during the past five years.
- 6) Each college shall submit to the ICCB by August 1 each year a summary report of its previous year's program review results in a format designated by the ICCB and a copy of its current five-year schedule of program reviews.
- e) Academic Calendar. A college shall operate on an academic calendar which provides at least two academic terms consisting of at least 15 weeks (at least 75 days of instruction each), three academic terms consisting of at least 10 weeks (at least 50 days of instruction each) or a different combination of academic terms consisting of at least 30 weeks (at least 150 days of instruction).
 - 1) The days of instruction prescribed in subsection (e) above shall include all days when there is a full schedule of classes and support services but will exclude holidays, Saturdays, Sundays, and days scheduled exclusively for registration, orientation, college-wide placement or assessment testing, faculty workshops, and final examinations.
 - 2) Colleges may include terms during the summer or any other time during the year, in addition to the ones identified in subsection (e).
 - 3) Courses/classes may be scheduled between academic terms, spanning academic terms, for a shorter time frame than the academic term, or for a longer time frame than the academic term, if the schedule provides sufficient duration and contact hours to meet the requirements in Sections 1501.309(b) and 1501.507(b)(10).
 - 4) If an emergency such as a fire, flood, or strike makes it necessary for the college to shorten one of its academic terms, the college may request the ICCB Executive Director to approve a shorter term. In such cases, the length of the term may be shortened, but only to the extent that enables all courses to meet the contact hours specified in Section 1501.309(b).

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- 5) If a college entered into a contract with its faculty regarding the length of the academic calendar in compliance with subsection (e) prior to the effective date of this revision, it may continue to operate under the provisions of that contract until that contract is renegotiated or expires.

f) Preparation of Professional Staff. Professional staff shall be educated and prepared in accordance with generally accepted standards and practices for teaching, supervising, counseling and administering the curriculum or supporting system to which they are assigned. Such preparation may include collegiate study and professional experience. Graduate work through the master's degree in the assigned field or area of responsibility is expected, except in such areas in which the work experience and related training is the principal learning medium.

g) Library. Each college shall maintain a library or learning resource center with a collection of reference works and other learning resources to meet the specific needs of its curricula and students. This collection shall be kept up to date through a planned program of acquisition and deletion.

h) Supplies and Equipment. Classrooms, laboratories, and shops shall be provided with equipment and supplies which are adequate for effective teaching and learning.

i) General Education. Organized curricula leading to an associate degree shall include general education courses designed to contribute to the liberal education of each student.

j) Apprenticeships. A college which participates in apprenticeships coordinated by the Bureau of Apprenticeship Training, U.S. Department of Labor and/or other programs related to business, industrial, or trade groups or organizations shall meet applicable federal, state, and local governmental rules, regulations, and guidelines.

k) Examination of Patriotism, Principles of Representative Government, Proper Use and Display of the American Flag, and Method of Voting. The examination on American patriotism, principles of representative government, proper use and display of the American flag, and the Australian ballot voting system may be satisfied in one of the following ways:

- 1) The student may pass an appropriate examination at the college;
- 2) The student may complete, with a passing grade, a specified course that includes all subject matter identified above; or

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- 3) The college may accept evidence that the student has met the examination requirement in his/her high school in Illinois, as long as the meeting of the requirement is clearly identified on the high school transcript or the Illinois High School Equivalency Test Program certificate. Such evidence authorizes the college to make a similar notation on the student's transcript.

(Source: Amended at 17 Ill. Reg. _____, effective _____.)

SUBPART E: FINANCE

Section 1501.508 Special Populations Grants

a) Special populations grant funds shall be allocated annually to each Illinois public community college district in accordance with Section 2-16 of the Act.

b) Special populations grant funds shall be accounted for in a restricted purposes fund.

c) The following are allowable expenditures for special populations grant funds:

- 1) Personnel. Salaries and benefits for courses and services provided only to special populations students.
 - A) Tutors, both student and professional.
 - B) Counselors and paraprofessional counselors who spend a minimum of fifty (50) percent of their time working with special populations students.
 - C) Adult basic/secondary and remedial education instructors, not to exceed thirty (30) percent of the total special populations grant per district.
 - D) Direct support service personnel for assistance to students with disabilities, e.g., readers, notetakers, and drivers.
 - E) Professional and paraprofessional staff who provide outreach services and special retention programs designed for special populations students and who administer testing and assessment of special populations students.

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- 2) Testing and Assessment Materials. Includes materials, fees, and cost of test administration for testing and assessment of special populations students and testing of entering students to identify special populations students. Testing and assessment materials used to identify special populations students.
- 3) Instructional and Informational Materials. Books, media packages such as computer software, informational brochures, pamphlets, and publications testing and evaluation materials provided only to special populations students or to promote special populations programs.
- 4) Instructional Equipment. Lease or purchase of, e.g., tape recorders, small computers, and readers, and other assistive technology provided only to special populations students.
- 5) Travel related only to special populations student needs and activities for both college personnel and students.
 - A) Special populations student activities such as field trips and student transportation.
 - B) Conference expenses related directly to special populations grant activities.
- 6) Staff development expenditures for special populations grant personnel and outside consultants.
- 7) The following special populations grant administrative expenditures relate only to special populations grants. The total administrative expenditures may not exceed thirty (30) percent of the total special populations grant per district.
 - A) Administrative salaries.
 - B) Office staff salaries.
 - C) Office equipment.
 - D) Consumable supplies.
 - E) Utilities.
 - F) Rental of facilities.

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- d) Reports of services, courses, and expenditures supported by the special populations grant shall be filed with the ICCB by August 1 of each year on forms provided by the ICCB.
- e) An initial grant in the amount designated in Section 2-16 of the Act shall be allocated for expenditure by each community college within a multicampus district. Remaining funds within a multicampus district may be allocated according to district policies.
- f) Special populations grant funds shall be expended or obligated prior to June 30 each year. Goods for which the funds have been obligated shall be received and paid for prior to September 30 following the end of the fiscal year for which the funds were appropriated. Funds for services, including salaries and benefits, may not be obligated for services rendered after June 30. Unexpended funds totaling \$100 or more shall be returned to the ICCB by October 15 following the end of the fiscal year. Unexpended funds totaling less than \$100 need not be returned to the ICCB provided the funds are spent in the next fiscal year and for the restricted grant purpose.
- g) Special populations grant funds not used in accordance with this Section regardless of the amount shall be returned to the ICCB within six months after receipt of the external audit report by the ICCB or other identification of improper expenditures subsequently verified by the ICCB.

(Source: Amended at 17 Ill. Reg. _____, effective _____.)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Management of Nature Preserves

2) CODE CITATION: 17 Ill. Adm. Code 4000

3) SECTION NUMBERS:

4000.110 Amendments
4000.120 Amendments
4000.130 Amendments
4000.140 Repealed
4000.150 Amendments
4000.160 Amendments
4000.165 New Section
4000.170 Amendments
4000.210 Amendments
4000.220 Amendments
4000.230 Repealed
4000.240 Amendments
4000.250 Amendments
4000.260 Amendments
4000.270 Amendments
4000.280 New Section
4000.310 Repealed
4000.320 Repealed
4000.410 Repealed
4000.415 New Section
4000.420 Repealed
4000.425 New Section
4000.430 Repealed
4000.435 New Section
4000.440 Amendments
4000.450 Repealed
4000.460 Amendments
4000.465 New Section
4000.470 Repealed
4000.475 New Section
4000.510 Repealed
4000.520 Repealed
4000.530 Repealed
4000.540 Amendments
4000.550 Amendments
4000.560 Amendments
4000.570 Amendments
4000.580 Repealed
4000.610 Repealed
4000.620 Amendments

PROPOSED ACTION:

Amendments
Amendments
Amendments
Repealed
Amendments
Amendments
New Section
Amendments
Amendments
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Repealed
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New Section
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New Section
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New Section
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Repealed
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Amendments
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Amendments
Repealed
Amendments

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4) STATUTORY AUTHORITY: Implementing and authorized by the Illinois Natural Areas Preservation Act (Ill. Rev. Stat. 1991, ch. 105, pars. 701 et seq. as added by P.A. 82-445, effective September 15, 1991) [525 ILCS 30/1 et seq.] and "An Act in relation to the acquisition, control, maintenance, improvement and protection of State parks and nature preserves" (Ill. Rev. Stat. 1991 ch. 105, pars. 465 et seq.) [20 ILCS 835/1 et seq.].

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule does not affect small businesses

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION

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PART 4000

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4000.120	Applicability of Rules
4000.130	Approval of Specific Management Activities-Administration and Custody
4000.140	Management Guidelines (Repealed)
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4000.440	Water Level Control
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4000.510	Use Tolerance (Repealed)
4000.520	Durability Classes and Allowable Use Zones (Repealed)
4000.530	Classes of Visitors (Repealed)
4000.540	Character of Visitor Activity Visitation
4000.550	Access Control
4000.560	Orientation and Guidance of Visitors
4000.570	Permits for Research or Educational Activities
4000.580	Collecting on Nature Preserves

SUBPART F+E: PLANS AND RECORDS

Section	
4000.610	Master Plans (Repealed)
4000.620	Records

AUTHORITY: Implementing and authorized by the Illinois Natural Areas Preservation Act (Ill. Rev. Stat. 1993, ch. 105, pars. 701 et seq. as added by P.A. 82-445, effective September 15, 1981) [525 ILCS 30/1 et seq.] and "An Act in relation to the acquisition, control, maintenance, improvement and protection of State parks and nature preserves" (Ill. Rev. Stat. 1993, ch. 105, pars. 465 et seq.) [20 ILCS 835/1 et seq.]

SOURCE: Joint rule of the Department of Conservation and the Nature Preserves Commission: Management of Nature Preserves adopted and codified at 7 Ill. Reg. 8793, effective July 15, 1983; transferred to the Nature Preserves Commission by P.A. 83-1072, effective July 1, 1984; recodified from 17 Ill. Adm. Code 4000 at 8 Ill. Reg. 14985; amended at 17 Ill. Reg. _____, effective _____.

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PART 4000

MANAGEMENT OF NATURE PRESERVES

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SUBPART C: MANAGEMENT OF ADJACENT LAND (Repealed)

Section	
4000.310	Buffer Areas (Repealed)
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SUBPART D-C: LAND MANAGEMENT PRACTICES

Section	
4000.410	Scenic and Landscape Management (Repealed)
4000.415	Removal or Introduction of Objects
4000.420	Elimination of Safety Hazards (Repealed)
4000.425	Management of Vegetation and Wildlife
4000.430	Removal or Introduction of Objects (Repealed)
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Section	
4000.510	Use Tolerance (Repealed)
4000.520	Durability Classes and Allowable Use Zones (Repealed)
4000.530	Classes of Visitors (Repealed)
4000.540	<u>Character of Visitor Activity-Visitation</u>
4000.550	Access Control
4000.560	Orientation and Guidance of Visitors
4000.570	Permits for Research or Educational Activities
4000.580	Collecting on Nature Preserves

SUBPART F-E: PLANS AND RECORDS

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AUTHORITY: Implementing and authorized by the Illinois Natural Areas Preservation Act (Ill. Rev. Stat. 1983-1991, ch. 105, pars. 701 et seq. as added by P.A. 82-445, effective September 15, 1981) [525 ILCS 30/1 et seq.] and "An Act in relation to the acquisition, control, maintenance, improvement and protection of State parks and nature preserves" (Ill. Rev. Stat. 1983-1991 ch. 105, pars. 465 et seq.) [20 ILCS 835/1 et seq.]

SOURCE: Joint rule of the Department of Conservation and the Nature Preserves Commission: Management of Nature Preserves adopted and codified at 7 Ill. Reg. 8793, effective July 15, 1983; transferred to the Nature Preserves Commission by P.A. 83-1072, effective July 1, 1984; recodified from 17 Ill. Adm. Code 4000 at 8 Ill. Reg. 14985; amended at 17 Ill. Reg. _____, effective _____.

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SUBPART A: GENERAL PROVISIONS

Section 4000.110 Definitions

As used in these rules, the following terms have the meanings indicated, except where the context requires otherwise:

"Act" is the Illinois Natural Areas Preservation Act (Ill. Rev. Stat. 1991, ch. 105, par. 701 et seq.) [525 ILCS 30/1 et seq.].

"Buffer area" is defined in the Illinois Natural Areas Preservation Act.

"Commission" is the Illinois Nature Preserves Commission.

"Custodian" is the person or agency that is designated by the owner as being responsible for the protection and care of a nature preserve in accordance with these rules and the master plan.

"Department" is the Illinois Department of Conservation.

"Instrument of dedication" is the term used in the Illinois Natural Areas Preservation Act.

"Management schedule" consists of two documents in a form prescribed by the Commission: the site management goals and the multi-year management schedule which are both specific to a nature preserve and describe management activities to be undertaken therein.

"Master plan" is a written plan which, consistent with the Illinois Natural Areas Preservation Act, the instrument of dedication, and these rules, sets forth in detail the purpose, character, resources, and history and the provisions for preservation, protection, development, management, the ownership, and use of a specific nature preserve, describing the ownership, location, purpose, character, resources, and conditions of custody and access.

"Nature preserve" or "preserve" is defined in the Illinois Natural Areas Preservation Act.

"Preserve steward" is the individual person designated by the custodian to be in direct charge of a nature preserve.

"Prescribed burning" is the controlled use of fire as a

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~~management tool to simulate presettlement conditions which maintained fire-dependent natural communities.~~

"Rules" are Rules for Management of Nature Preserves, 17 Ill. Adm. Code 4000.

"Special Use Permit" is a form used to evaluate and approve research and other activities in nature preserves.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 4000.120 Applicability of Rules

a) ~~the instrument of dedication shall be the prevailing document for each nature preserve. Management of each nature preserve shall be in accordance with the rules, as set forth in the master plan or as approved by the Commission and Department under Section 4000.130. The provisions of the instrument of dedication for a nature preserve shall supersede subsequently adopted administrative rules, unless such rules are adopted pursuant to a statutory change requiring such modification of the rules.~~

b) ~~Any deviation from the rules must be approved by the Commission, Department, owner, and other appropriate regulatory agencies. The reasons for the deviation shall be set forth in detail in the master plan. Approval will be granted provided the deviation is either intended to protect the natural features of the preserve or is necessary to accommodate any existing encumbrances such as utility easements. Unless otherwise specified, the use of the term "nature preserve" in these rules applies to property dedicated as a nature preserve and property dedicated as a buffer area.~~

c) ~~Management, development, or uses of a specific preserve, not otherwise allowed under the rules, may be allowed as a provision of the master plan for the site, or may be approved by the Commission under Section 4000.160 of this Part.~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 4000.130 Approval of Specific Management Activities Administration and Custody

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Section 4000.140 Management Guidelines (Repealed)

~~The rules and master plan may be clarified by interpretive management guidelines adopted by the Commission. Management guidelines may include technical procedures, detailed instructions, and other necessary information.~~

(Source: Repealed at 17 Ill. Reg. _____, effective _____)

Section 4000.150 Administration and Custody Master Plans

- a) Each nature preserve shall have a custodian and a preserve steward who shall administer, manage, and protect the preserve in accordance with the rules and master plan. The master plan shall designate the form and method of administration and custody of the nature preserve. It shall identify the agency or individual that serves as custodian of the preserve and shall state whether or not the preserve steward shall devote full time to the preserve. If not otherwise provided in the instrument of dedication or master plan, the owner of a nature preserve shall be or shall designate the custodian. The custodian shall designate the preserve steward. A master plan must be developed for each nature preserve. The master plan must address the preservation, protection, management, development, and use of the nature preserve, identify the nature preserve owner, the location and description of the nature preserve, and conditions of custody and access. The master plan must also identify the presence and location of high quality natural communities, threatened or endangered species, and other significant or notable natural features occurring on the preserve. Reserved rights, previously approved deviations from the rules approved under Section 4000.160, and other pertinent Commission resolutions should be referenced in the master plan.

- b) In case of resignation, death, disability, or failure of the custodian of a preserve not owned by the Department to administer and manage the preserve in accordance with the rules and the master plan, the Department upon advice of the Commission shall undertake or assign to another body such custodial functions as are necessary for the maintenance and protection of the preserve until the disability of the custodian is removed or a successor

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~~In the absence of a master plan, specific management activities specified in Sections 4000.220, 4000.250, 4000.260, 4000.420, 4000.430, 4000.450, and 4000.470 (a) may be undertaken with the approval of the Commission and Department. To be so approved, management shall~~

- a) ~~be compatible with the principles set forth in the rules. If not otherwise provided in the instrument of dedication, the owner of a nature preserve shall be or shall designate an individual or agency as the custodian of the nature preserve. The custodian shall administer, manage, and protect the nature preserve in accordance with the instrument of dedication, rules, and the master plan or management schedule. The Commission must be notified by the owner or custodian of any changes in ownership, conditions of custody, access or use.~~

- b) ~~be undertaken pending formulation and approval, rather than in lieu of a master plan. The custodian may assign or appoint a person or entity to participate in the administration, management, and protection of the preserve, defining their responsibilities and assuring that their activities are consistent with the instrument of dedication, rules, and the master plan or management schedule for the preserve.~~

- c) ~~not involve use of heavy machinery. The custodian may restrict or deny access to a nature preserve. However, members and agents of the Commission or their designees may enter any nature preserve for the purposes of inspection.~~

- d) ~~not damage endangered, threatened, or rare species or their habitat, and in case of resignation, death, disability, or failure of the custodian of a preserve not owned by the Department to administer and manage the preserve in accordance with the rules and master plan or management schedule, the Commission shall undertake or assign to another body such custodial functions as are necessary for the maintenance and protection of the preserve until the disability of the custodian is removed or a successor is designated.~~

- e) ~~not damage or alter natural conditions except to the extent specifically allowed herein after.~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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~~is designated.~~ A master plan must be compiled following a master plan handbook prescribed by the Commission or a master plan must consist of the proposal for dedication pursuant to 2 Ill. Adm. Code 2150, the instrument of dedication, and a management schedule, which cumulatively address the requirements of Section 4000.150(a). The management schedule must be approved by the owner of the nature preserve before being submitted to the Commission for approval. The Commission may approve the management schedule in whole or in part, with any exceptions stated in writing.

c) ~~The custodian or preserve steward may restrict or deny access to a nature preserve. However, members and agents of the Commission and their designees and employees of the Department may enter any nature preserve for purposes of inspection.~~ The management goals portion of the management schedule must address the following: the objective for establishing the preserve, the status of its natural features, the extent of any degradation, the amount of visitor use, any natural lands nearby, any threats to the integrity of the preserve, concluding with the overall management goals. Once the management goals portion of the management schedule has been approved it continues indefinitely unless revised, in contrast to the multi-year schedule which addresses specific management activities during a finite period of time. When the multi-year schedule approaches the end of such time period, a new schedule shall be prepared and, following the landowner's approval, shall be submitted to the Commission.

d) The owner and/or custodian may elect to prepare the master plan and any revisions thereto. Based upon the availability of staff and resources, the Commission may assist the owner with preparation of the master plan. If the owner and/or custodian do not elect to prepare the master plan, the Commission shall be responsible for arranging its preparation. The master plan and any revisions thereto shall take effect upon approval by the Commission and the owner.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 4000.160 Reports Approval of Specific Management Activities
The custodian shall submit an annual report by February 15 and such

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~~other reports to the Commission in such form and at such time as designated by the Commission. The Commission shall furnish a copy to the Department. The annual report shall include a record of management activities, natural catastrophes, and other influences affecting natural conditions within the nature preserve. The reports shall constitute a portion of the record to be kept for each nature preserve as provided in Section 4000.620. Management activities otherwise prohibited under the rules or an approved master plan, may be approved by the Commission upon written request of the owner. The request must outline the objective of the management activity, and identify the natural communities and any threatened or endangered species, or significant or notable natural features that may be affected by the proposed activity. If the Commission determines that the proposed activity will enhance the natural features of the preserve, consistent with the proposal for dedication, the Commission shall approve the request. The Commission may, with reasonable notice to the custodian, withdraw approvals for management activities previously granted if it is subsequently determined that the activity may have an adverse impact on the nature preserve.~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 4000.165 Reports

The custodian shall submit an annual report to the Commission by February 15 of each year. The report shall be in such form as specified by the Commission and will become a part of the record for each nature preserve as described in Section 4000.620. It shall include a record of natural catastrophes, visitor use, volunteer activities, any possible violations of the Act or these rules, changes in adjacent land use, and other influences affecting the natural conditions within the nature preserve.

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 4000.170 Intrusions

There shall be no intrusions of structures, easements, rights of way, or land uses which do not conform with these rules and with the purposes and definition of a nature preserve as specified in the Illinois Natural Areas Preservation Act, except for intrusions that are allowed by the instrument of dedication or the master plan. No other intrusions shall be allowed to continue or to become established, except for preexisting rights which are not

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(Source: Repealed at 17 Ill. Reg. _____, effective _____)

inconsistent with the Act, those specifically allowed as part of an approved master plan or management schedule, or those approved as a deviation from the rules under Section 4000.160.

Section 4000.240 Access Lanes

Vehicular access lanes shall be installed and maintained within a nature preserve only where essential for patrol, fire control, or other management or research activities and shall be in accordance with the master plan. Such lanes shall be closed to all except service vehicles. They shall provide a single track, and clearing shall not extend more than 7 feet on each side of the center of the lane. Service vehicles shall be used only on such designated access lanes except in case of emergency or as approved by the Commission.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART B: STRUCTURES AND FACILITIES

Section 4000.210 Boundary Markers and Signs

Nature preserve boundaries shall be made clearly evident by posting boundary markers at intervals of approximately 330 feet if feasible, or as otherwise provided in the master plan and, if appropriate, by fencing or other means. Boundary marker signs shall be provided by the Commission and the Department or conform to the style of the signs provided by the Commission and Department. Application may be made to the Commission or Department for boundary marker signs, and shall be granted by the Commission or Department, based upon the availability of resources. If appropriate, fencing or other means may also be employed to indicate the boundaries of a preserve.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 4000.220 Boundary Fences

Boundary fences and barriers that are required by "An Act to revise the law in relation to fences" (Ill. Rev. Stat. 1991, ch. 54, par. 2) [765 ILCS 130/21] or barriers that are needed to protect the preserve may be installed as provided in the master plan or management schedule. Generally they shall not be in a form that will create a detrimental effect on movement of wildlife, air circulation, or other natural conditions. Construction of fences higher than 4.5 feet shall be specified and justified in the master plan.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 4000.230 Location Markers (Repealed)

As a locational aid, a preserve may be divided into plots, and markers may be installed at plot corners in such manner as is designated in the master plan. Markers and plot layout shall not detract from the natural appearance of the preserve and shall be specified by the Commission and Department.

b)

location and formThe design and routing of any trails other than natural wildlife paths shall be specified in

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 4000.250 Firebreaks

Where boundary firebreaks are needed, they shall be constructed in a buffer area outside the preserve if possible. Firebreaks within a preserve shall be kept to a minimum and shall be constructed only in accordance with the master plan or management schedule. Temporary firebreaks, made by mowing, raking, or wetting, may be used in conjunction with a managedprescribed burn, pursuant to Section 4000.435.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 4000.260 Trails

- a) ~~the trail system~~The establishment or rehabilitation of trails in a nature preserves may be proposed in writing to the Commission with the prior approval of the landowner. Trails shall conform to the objectives of the nature preserve as stated in the master plan or management schedule. Trails shall be laid out so as to affect only part of the preserve and shall have minimal impact on natural features. Trails should have no adverse impact on endangered or threatened species or fragile or limited natural communities or features, pursuant to the Illinois Endangered Species Protection Act (Ill. Rev. Stat. ch. 8, par. 341 [520 ILCS 10/11]).

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the master plan or management schedule. Trails shall be adequate to provide for permitted use of a preserve and to prevent erosion, trampling of vegetation, and other deterioration, but otherwise shall be kept to a minimum.

c) Trail construction shall not threaten the continued existence of any population of a native plant or animal species in a nature preserve. No plant species listed as endangered or threatened pursuant to Ill. Rev. Stat. 1991, ch. 8, par. 337, [520 ILCS 10/7] or designated in the master plan as a species of management concern shall be removed, damaged, or cut in trail construction or maintenance.

d) Any proposal for trail development or rehabilitation should address the suitability of the site for providing handicapped accessibility, considering factors such as the type of natural communities, soils, slope, topography, hydrology, size of the nature preserve, and any threatened and endangered species habitat. Providing access to disabled persons is encouraged, however public access is not a requirement of nature preserve dedication and is secondary to protection of the nature preserve. Consistent with the Americans with Disabilities Act of 1990, P.L. 101-336, modifications to provide handicapped accessible trails are not required if such construction would harm the features for which the preserve was dedicated or where conditions such as steep slopes or saturated soils make it infeasible to meet regulations.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 4000.270 Other Structures and Improvements

a) Necessary Within a dedicated nature preserve, necessary signs, trash receptacles, and minor structures required to house research instruments or hand tools are permitted if provided for in the master plan, management schedule, or by a permit for research activities in a Special Use Permit. All other structures and service facilities shall be located in service areas outside the preserve. Signs and structures shall be specified approved by the Commission and the owner and the Department.

b) Within buffer areas, service areas may be established which provide access and parking, management facilities,

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and/or visitor facilities. Service areas must not impair the natural features of the nature preserve. Such necessary service areas should be included in the instrument of dedication, master plan or management schedule. All other structures and facilities not included in Section 4000.270(a) shall be located in buffer areas or on property outside the dedicated nature preserve.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 4000.280 Buffer Areas

a) Land may be dedicated as a buffer area if it serves one or more of the following purposes:

- 1) protects the dedicated nature preserve or registered natural area;
- 2) provides access to the dedicated nature preserve or registered natural area;
- 3) serves as a necessary adjunct to the dedicated nature preserve or registered natural area; or
- 4) possesses potential for restoration of its natural features.

b) The instrument of dedication, master plan or management schedule for a nature preserve should include provisions concerning management of the buffer area as part of the nature preserve or those uses, other than nature preservation, which do not adversely affect the preserve.

(Source: Added at 17 Ill. Reg. _____, effective _____)

SUBPART C: MANAGEMENT OF ADJACENT LAND (Repealed)

Section 4000.310 Buffer Areas (Repealed)

a) ~~The master plan or management schedule for a nature preserve shall include provisions concerning any related buffer areas.~~

b) ~~A buffer area shall be managed as part of the nature preserve except as otherwise provided in the instrument~~

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~~of dedication or master plan.~~

- e) ~~A buffer area may be devoted to uses other than nature preservation which do not adversely affect the preserve, as provided in the master plan.~~

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 4000.320 Service Areas (Repealed)

~~Service areas may be established within buffer areas to provide access and parking, management facilities, and visitor facilities. Provision for necessary service areas shall be included in the master plan.~~

(Source: Repealed at 17 Ill. Reg. _____, effective _____)

SUBPART B+ C: LAND MANAGEMENT PRACTICES

Section 4000.410 Scenic and Landscape Management (Repealed)

~~No measures shall be taken to alter natural growth or features for the purpose of enhancing the beauty, neatness, or amenities of a preserve. There shall be no cutting of grass, brush, or other vegetation, thinning of trees, removal of dead wood, opening of scenic vistas, or planting, except as provided in the master plan.~~

(Source: Repealed at 17 Ill. Reg. _____, effective _____)

Section 4000.415 Removal or Introduction of Objects

- a) ~~Except in the circumstances described in subsection (b) and (c) below, there shall be no removal or consumptive use of any material, product, or object from a nature preserve and there shall be no introduction of any material, product, or object to a nature preserve. Prohibited activities include, but are not limited to, grazing by domestic animals; farming; gathering of firewood or any plant material including roots and seeds; mining or quarrying; harvesting of aquatic life, furbearers, or game animals; and dumping of garbage or other materials.~~

- b) ~~Removal or introduction of objects is allowed pursuant to~~

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~~Sections 4000.210 - 4000.280, Sections 4000.415 - 4000.475, Section 4000.570, and Section 4000.580; and as may be provided in the instrument of dedication, the master plan, management schedule, or pursuant to Section 4000.160.~~

- c) ~~With prior notification of the Commission, the following may be removed or demolished:~~

1) ~~Old interior fences may be removed, giving consideration to leaving posts to mark boundaries between former land uses;~~

2) ~~Rubbish may be removed; and~~

3) ~~Structures having no utilitarian, historic, scientific, or habitat value may be demolished or removed.~~

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 4000.420 Elimination of Safety Hazards (Repealed)

- a) ~~Installation of guard rails, fences, steps, and other devices necessary for visitor safety shall be as provided in the master plan. Dead trees or branches that constitute a safety hazard to persons on trails or in other authorized use areas may be felled but shall not be removed from the preserve. Control of hazardous plants or animals shall be as provided in Section 4000.470 (b).~~

- b) ~~Hazardous situations of an emergency nature are subject to Section 4000.180.~~

(Source: Repealed at 17 Ill. Reg. _____, effective _____)

Section 4000.425 Management of Vegetation and Wildlife

- a) ~~Control of plant succession~~

- 1) ~~Control of plant succession by deliberate chemical or mechanical manipulation may be undertaken to preserve or restore a presettlement natural community or a threatened or endangered species.~~

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- 2) Plant succession control measures may be undertaken as provided in the master plan or management schedule. Control measures shall be applied with caution and only to such part of the area as is necessary. Control measures shall be undertaken only with prior observation and study of the area and with scientific evidence of necessity. Control measures shall be followed by observation and reporting of results. The master plan or management schedule may allow employment of prescribed burning, mowing, grazing, cutting of shrubs and trees, girdling of trees, hand-pulling or cutting of invasive herbaceous species, application of herbicide as specified, and other management practices to alter plant succession.

- 3) Vegetation may be managed as specified in the master plan or management schedule. Allowable practices include but are not limited to:

A) Plant species not native to the site or vicinity may be eliminated by cutting, girdling, grubbing, or basal or foliar application of specified herbicide;

B) The use of prescribed burning in fire-maintained communities so long as the time of burning during the year, the frequency of burning, and the fractional amount of the area that may be burned each year has been reviewed and approved by the Commission pursuant to Section 4000.435;

C) Invading native woody species may be eliminated or controlled by cutting, girdling, grubbing, or basal application of specified herbicide.

- b) Control of noxious species

Species of plants and animals which are noxious in fact or law (Illinois Noxious Weed Act, 8 Ill. Adm. Code 220) shall be controlled as provided in the master plan or management schedule.

- c) Control of exotic species

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- 1) Control of exotic plants may be undertaken by control of plant succession or other management practices as provided in Section 4000.425(a).

- 2) Control of exotic animals may be undertaken as provided in the master plan or management schedule.

- d) Control of natural populations

There shall be no action to increase or reduce populations of native plants or animals or to restrict movement across boundaries of a preserve, except for the purposes of controlling an animal overpopulation that is altering the natural character of the preserve, or to restore degraded natural communities as provided in subsections (a) and (e). Any such measures to be applied must be in accordance with the master plan or management schedule.

- e) Management of endangered and threatened species and species of management concern.

- 1) Habitat manipulations and protective measures in favor of particular species shall be undertaken only as provided in the master plan, management schedule, or as approved by the Commission after consultation with the Department and the Endangered Species Protection Board. Approval will be based upon evaluation of generally accepted management practices or upon a proposal submitted to the Commission which describes the proposed activities, species' life history and habitat requirements, and characteristics and objectives of the preserve.

- 2) Control of plant succession in favor of particular species shall be as provided in Section 4000.425(a).

- f) Introduction of plants and animals

No plants or animals or their reproductive bodies shall be brought into a nature preserve or moved from one place to another within a preserve except for the purposes of (1) restoring degraded natural communities to the extent they are historically known or (2) protecting or enhancing populations of endangered or threatened species. Such introduction shall be carried out as provided in the master plan, management schedule, or

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b) Prescribed burning - Prescribed burning may be conducted with the prior approval of the landowner and as part of a master plan or management schedule. The responsible person must also obtain, in advance of conducting prescribed burning, any other required local, county, state, or federal permits. A written plan shall be prepared for each prescribed burn on a standardized form. Burning shall not be done under conditions more hazardous than specified in the prescribed burn plan. Fire crew members shall be adequately trained and capable of fire control. Use of equipment and vehicles shall be specified in the prescribed burn plan; no equipment or vehicles that would cause damage or alteration to the natural features of the preserve shall be used.

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 4000.440 Water Level Control

Natural water levels shall not be altered. Water levels which have been altered by manartificial means which include, but are not limited to, installation of drain tiles and creation of ditches, may be changed if identified in the master plan or management schedule as being essential for the maintenance and restoration of natural or desired conditions or to protect significant or notable features.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 4000.450 Fire Control (Repealed)

a) ~~Wildfires - All wildfires shall be brought under control as quickly as possible. After a fire within a nature preserve, there shall be no cleanup, fire hazard reduction, or replanting except with the approval of the Commission and Department. Approval will be based upon health and safety considerations or need for restoration. Any special procedures and methods to be used for prevention and control of fire shall be included in the master plan.~~

b) ~~Prescribed burning - Prescribed burning may be undertaken as provided in the master plan. A written plan shall be prepared for each prescribed burn on a standardized form and reviewed and approved by the Commission and Department prior to the burn. Approval~~

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pursuant to Section 4000.160.

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 4000.430 Removal or Introduction of Objects (Repealed)

a) ~~Except as provided in the instrument of dedication or the master plan, there shall be no removal or consumptive use of any material, product, or object from a nature preserve and there shall be no introduction of any material, product, or object to a nature preserve. Prohibited activities include, but are not limited to, grazing by domestic animals, farming, gathering of firewood or other plant products, mining or quarrying, harvesting of fish, furbearers, or game animals, and dumping, burying, or spreading of garbage, trash, or other material.~~

b) ~~As specified in the master plan, artifacts may be removed or demolished as follows:~~

1) ~~Old interior fences may be removed, giving consideration to leaving posts to mark boundaries between former land uses;~~

2) ~~Rubbish may be removed; and~~

3) ~~Structures having no utilitarian, historical, scientific, or habitat value may be demolished or removed.~~

e) ~~Scientific specimens and materials may be collected and removed as provided in Section 4000.500.~~

(Source: Repealed at 17 Ill. Reg. _____, effective _____)

Section 4000.435 Fire Control

a) ~~Wildfires - All wildfires shall be brought under control as quickly as possible, extinguishing burning materials to prevent potential reignition. Any dead standing trees or fire killed trees which pose a safety hazard may be removed pursuant to Section 4000.475. After a fire within a nature preserve, there shall be no cleanup, fire hazard reduction, or replanting except with the approval of the Commission. Approval will be based upon health and safety considerations or need for restoration.~~

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will be given if the prescribed burning plan is in compliance with this part. Fire shall be kept away from fences and other structures that may be damaged. Fire crew members shall be adequately trained and capable of fire control. Burning shall not be done under conditions more hazardous than specified in the prescribed burn plan. No chemicals that are known to cause damage to or alteration of natural conditions should be used. Use of equipment and vehicles shall be specified in the prescribed burn plan. No equipment or vehicles that would cause damage or alteration to the natural features of the preserve shall be used.

(Source: Repealed at 17 Ill. Reg. _____, effective _____)

Section 4000.460 Erosion Control

Natural erosion shall not be controlled. Erosion and soil deposition due to past or present disturbance by man of natural conditions within or outside of the preserve may be controlled in accordance with provisions of the master plan. Erosion and soil deposition due to past or present disturbance by humans of natural conditions within or outside of the preserve may be controlled in accordance with the master plan or management schedule.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 4000.465 Scenic and Landscape Management

No measures shall be taken to alter natural growth or features for the purpose of enhancing the beauty, neatness, or amenities of a preserve.

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 4000.470 Management of Vegetation and Wildlife (Repealed)

a) Control of plant succession

- 1) Control of plant succession by deliberate manipulation may be undertaken if preservation or restoration of a particular vegetation type or preservation of an endangered species of native flora or fauna is designated in the master plan as an objective of the nature preserve.

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- 2) Plant succession control measures may be undertaken in such manner as provided in the master plan. Control measures shall be applied with caution and only to such part of the area as is necessary. Control measures shall be undertaken only with prior observation and study of the area and with scientific evidence of necessity. Control measures shall be followed by observation and study of results. The master plan may allow employment of prescribed burning, mowing, grazing, cutting of shrubs and trees, girdling of trees, application of herbicide as specified, and other management practices to alter plant succession.

- 3) Vegetation may be managed, as specified in the master plan, within the following limitations:

- A) Plant species not native to the site or vicinity may be eliminated by cutting, girdling, grubbing, or basal or spot foliar application of specified herbicide.

- B) The time of burning during the year, the frequency of burning, and the fractional amount of the area that may be burned each year shall be specified.

- C) Invading native woody species may be eliminated or controlled by cutting, girdling, grubbing, or basal application of specified herbicide.

- 4) The use of herbicides shall be as specified by the Commission.

b) Control of noxious species

- 1) Species of plants and animals which are noxious in fact or by law (8 Ill. Adm. Code 220) shall be controlled only if and in the manner provided in the master plan.

- 2) Except for removal from trails, access lanes, and firebreaks in accordance with the master plan, there shall be no control of native plants which are not noxious but may otherwise appear undesirable.

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history, habitat requirements of the species, characteristics and objectives of the preserve and other relevant information.

2) Control of plant succession in favor of particular species shall be as provided in Section 4000.470(a).

f) Introduction of plants and animals

No plants or animals or their reproductive bodies shall be brought into a nature preserve or moved from one place to another within a preserve except as provided in the master plan or with approval of the Commission and Department and other appropriate regulatory agencies.

(Source: Repealed at 17 Ill. Reg. _____, effective _____)

Section 4000.475 Elimination of Safety Hazards

a) Installation of guard rails, fences, steps, and other devices necessary for visitor safety shall be as provided in the master plan or management schedule. Dead trees or branches that constitute a safety hazard to persons on trails or in other authorized use areas may be felled and removed from trails but shall not be removed from the preserve without notification and approval of the Commission.

b) Emergency situations are subject to Section 4000.180.

(Source: Added at 17 Ill. Reg. _____, effective _____)

SUBPART E: MANAGEMENT OF VISITORS AND USE

Section 4000.510 Use Tolerance (Repealed)

Use of preserves shall be allowed only to such extent and in such manner as will not impair natural conditions. The master plan shall specify the controls and restrictions to be placed on access and use. The owner, custodian and preserve steward may further restrict access and use as necessary to protect the preserve.

(Source: Repealed at 17 Ill. Reg. _____, effective _____)

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3) There shall be no control of predators, rodents, insects, snakes, or other animals except as provided in the master plan, even though they may appear harmful or undesirable.

e) Control of exotic species

1) Control of exotic plants and animals may be undertaken if, and in the manner provided, in the master plan. There shall be no attempt to eradicate exotic species that have become a stable part of the biotic community unless this can be accomplished without disturbance of natural conditions.

2) Control of exotic plants may be undertaken by control of plant succession as provided in Section 4000.470(a) or by management practices allowed in Section 4000.470(a).

a) Control of natural populations

Except as provided in paragraphs (a) and (c) of Section 4000.470 or to control an animal overpopulation that is altering the natural character of the preserve, there shall be no action to increase or reduce populations of native plants or animals or to restrict movement of wildlife across boundaries of a preserve. Any measures to be applied must be provided for in the master plan. Except as provided in the instrument of dedication or the master plan, control measures shall be undertaken only by the custodian or others as approved by the Commission and Department. Any such exception shall be considered as a deviation from the rules and treated as provided in Section 4000.120.

e) Management of endangered and threatened species and species of management concern.

1) Habitat manipulations and protective measures in favor of particular species shall be undertaken only as provided in the master plan or as approved by the Commission and Department and other appropriate regulatory agencies. Approval will be based upon a proposal submitted to the Commission and Department which justifies and describes the proposed activities and addresses species life

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Section 4000.520 Durability Classes and Allowable Use Zones
(Repealed)

- a) ~~DURABILITY CLASSES~~ The master plan shall include a durability classification for areas of the preserve to show that capability of each part of the preserve to withstand trampling and use without deterioration. Classification as high, medium, or low durability shall be related to characteristics of soil and vegetation, erosion potential, moisture conditions, slope, and the presence of endangered, threatened or easily disturbed species or features. Examples of low durability features may include, but are not limited to, presence of endangered species, steep erodible soils, and wet conditions nearly year round. Examples of high durability features would include level terrain and dry conditions nearly year round.

- b) ~~ALLOWABLE USE ZONES~~ The master plan shall establish high, medium and low allowable use intensity zones for the nature preserve on the basis of the objectives of the nature preserve as outlined in the master plan, the durability classification, natural attractions, and the feasibility of providing adequate visitor facilities and custodial and interpretive personnel. Development of trails and visitor facilities shall conform to the allowable use intensity zones. An example of high allowable use may be, but is not limited to, an area of high durability, presence of interpretive personnel, opportunities for educational use by groups and good available access. An example of low allowable use would be an area with poor access, low durability, natural hazards, and limited opportunities for educational use.

(Repealed at 17 Ill. Reg. _____, effective _____)

Section 4000.530 Classes of Visitors (Repealed)

- a) ~~Visitors to a nature preserve may be divided into 3 classes:~~

- 1) ~~casual persons who come individually or in small groups without prior arrangements;~~
- 2) ~~organized persons who come in larger groups under~~

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more definite leadership, and

- 3) ~~special activity persons who come to carry on research studies or creative work relating to matters within a preserve.~~

- b) ~~Provision shall be made in the master plan and in custodial operations for handling each of these classes of visitors. The master plan may define and restrict each class in such manner as is appropriate and necessary for visitor control and for the protection and management of the preserve. The custodian or preserve steward may further restrict a class of visitor.~~

(Repealed at 17 Ill. Reg. _____, effective _____)

Section 4000.540 Character of Visitor Activity Visitation

- a) ~~Nature preserves are open to the public unless closed by the owner. For those preserves that are open to the public, visitor use may occur to the degree that it will not impair natural conditions or threaten the natural features of the preserve. Where trails exist within a preserve, visitors are encouraged to stay on the trails. The owner may require that visitors to the preserve restrict their movement to the trails. Visitor activities shall be regulated to prevent disturbance of a preserve beyond what it can tolerate without permanent deterioration. Visitors without permits for research or educational activities shall be restricted to trails and areas open to off-trail use and may be otherwise restricted in movement. Persons wishing to traverse areas of a nature preserve elsewhere than on trails or other areas open to visitation shall obtain permission from the preserve steward, custodian or owner.~~

- b) ~~Public use shall be in accordance with 17 Ill. Adm. Code 1510: Regulations of Public Use of Illinois Dedicated Nature Preserves (April 24, 1981 and subsequent revisions) and additional regulations of the custodian.~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 4000.550 Access Control

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a) Ingress and egress shall be allowed only at such locations and under such conditions as may be specified in the master plan, management schedule, or the instrument of dedication.

b) A permit is required for educational use of a preserve only if activities are to include collecting or activities other than walking and observation. Examples of activities which require an approved permit include, but are not limited to, the following:

b) The owner and custodian and preserve steward have the authority to further limit access to the preserve as may be necessary for protection and proper management of the preserve.

1) Removal of any substance in the nature preserve, such as plant or animal material, soil, surface water, groundwater, and archaeological artifacts, in accordance with Section 4000.580.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

2) Installation of monitoring equipment or other items; and

Section 4000.560 Orientation and Guidance of Visitors

3) Nature observation and hiking by groups exceeding 25 persons.

Orientation and guidance of visitors shall be in accordance with the rules, the instrument of dedication, and the master plan or management schedule. Interpretive signs, structures or labels shall conform to Section 4000.270 Subpart B - Structures and Facilities.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 4000.570 Permits for Research or Educational Activities

a) A person wishing to engage in research or educational activities on a nature preserve not otherwise permitted by these rules or by the instrument of dedication or the master plan for the preserve shall secure a permit issued by the Commission and Department. If the activities are to be carried on by a group, a permit may be issued to the group leader who shall be responsible for the actions of the group. Application may be made to the Commission or Department for permission to conduct research or educational activities in nature preserves, using a Special Use Permit. The permit forms are available upon request from the Commission or Department. Whether the proposed activities would be carried out by an individual or by an organization, a permit is issued to an individual, who is then responsible for other persons or organization members referenced in the permit. To conduct research activities on nature preserves owned by public land managing agencies, a separate permit from the landowner or custodian may be required; in such cases the applicant must first obtain an approved permit from the landowner or custodian before applying to the Commission.

d) The application for a permit shall be a form prescribed by the Commission and Department. It shall include the name, address, position, professional qualifications, and general field of interest of the applicant and a description of the proposed activities including the objective, methods and procedures to be followed, records to be kept, duration of the project, areas to be visited, frequency and length of visits, and detailed description of disturbances to be made. If collecting is to be done it shall be in accordance with Section 4000.590. Information shall be provided on the species or objects to be taken, number of specimens, method of taking, and disposition of specimens. The Commission and the Department shall provide permit application forms to persons requesting them. Each permittee shall, as a condition of the approved permit, submit to the Commission and Department an annual report in such form as may be prescribed by the Commission and Department in the permit. A permit expires at the end of the calendar year in which it was issued. A permit may be extended

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upon submission of an interim report.

- e) ~~Each permit may contain specific provisions and restrictions. A permit may be modified, suspended, or revoked by the Commission and Department for violations of conditions of the permit, this part, or based upon a determination of the Commission and Department that the activity jeopardizes the preserve. Each holder of a permit shall submit to the Commission and Department an annual report in such form as may be prescribed by the Commission and Department. A permit for an activity of no more than the calendar year expires on December 31 of that year. A permit for an activity of longer than one year may be extended annually upon submission of an annual report. The Special Use Permit shall include:~~

1) ~~The applicant's name, address, position, professional qualifications, and general field of interest;~~

2) ~~A description of the proposed activities including the objective, methods and procedures to be followed, records to be kept, duration of the project, areas to be visited, frequency and length of visits, and detailed description of disturbances to be made; the species or objects to be taken, number of specimens, method of taking, and disposition of specimens.~~

- f) ~~A permit holder shall report to the preserve steward before initiating permitted activities and, if so requested, at the beginning and end of each visit. Each permit may contain specific provisions and restrictions. A permit may be modified, suspended, or revoked by the Commission and Department for violations of conditions of the permit, this Section, or based upon a determination of the Commission and Department that the activity jeopardizes the preserve.~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 4000.580 Collecting on Nature Preserves

- a) ~~Persons wishing to collect scientific specimens for deposition in a permanent institutional collection available to the public or for purposes of an approved research project may do so pursuant to terms of a permit~~

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~~as specified in Section 4000.570. A permit may restrict the collecting of certain species or specimens, and, unless specifically stated, ita permit does not allow the collecting of any species designated as endangered or threatened by the Endangered Species Protection Board or designated as of management concern in the master plan or by the Commission and Department. There shall be no collecting of material for classroom or laboratory observation and study or mass collecting in class groups. Exceptions to the above may be provided in the instrument of dedication of the nature preserve or the master plan therefor or may be provided by permit in unusual circumstances. Any such exception shall be considered as a deviation from the rules and treated as provided in Section 4000.570.~~

- b) ~~There shall be no collecting of material for classroom or laboratory observation nor study or mass collecting by class groups. Collection of plant or animal material for the purpose of subsequent sale is prohibited. Exceptions to the above may be provided in the instrument of dedication of the nature preserve or the master plan therefor or may be provided by permit in unusual circumstances. Any such exception shall be considered as a deviation from the rules and treated as provided in Section 4000.570.~~

- b)c) ~~A person who wishes to collect for scientific purposes any of the fauna protected by the Wildlife Code (Ill. Rev. Stat. 19811991 ch. 61, pars. 1.1 et seq.) [520 ILCS 5/1.1 et seq.] or the Fish Code of 1971 (Ill. Rev. Stat. 19811991, ch. 56, pars. 1.1 et seq.) [515 ILCS 5/1-1 et seq.] is also required to secure from the Department a scientific collecting permit pursuant to 17 Ill. Adm. Code 520. A Federal Fish and Wildlife Permit from the U.S. Fish and Wildlife Service is also required to collect migratory birds and federally endangered or threatened species.~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART F+ E: PLANS AND RECORDS

Section 4000.610 Master plans (Repealed)

- a) ~~There shall be a master plan for each nature preserve. The owner, custodian, and preserve steward may elect to~~

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~~prepare the draft master plan and revisions thereof. The Commission and other interested persons may participate. If the owner, custodian and/or the preserve steward do not elect to prepare the draft master plan, the Commission shall be responsible for arranging for its preparation. The master plan and revisions thereto shall take effect upon approval by the Commission and the owner.~~

- b) ~~Copies of master plans shall be made available to interested persons. An up-to-date copy of each shall be held by the custodian or preserve steward, the Commission, and the Department. These copies shall be open to public inspection at reasonable times and places.~~
- e) ~~The master plan shall consist of text and maps. A standard outline specifying the form and content shall be provided by the Commission and Department. Approval will be based upon the determination by the Commission and Department that each item on the outline has been addressed.~~

(Source: Repealed at 17 Ill. Reg. _____, effective _____)

Section 4000.620 Records

~~A record shall be kept in triplicate by the Commission for each nature preserve. One copy shall be held by the custodian or preserve steward, one by the Commission, and one by the Department. Copies may be requested and held by the Department and the custodian. These copiesThe records shall be open to public inspection at a reasonable times and places time and place. The record shall include the instrument of dedication, any approved master plan or management schedule, and annual reports of the custodian as provided in Section 4000.1404000.165 and all other pertinent documentary material, studies, reports, obsolete portions of the master plan, and descriptions of significant events. Responsibility for assembling the record shall be designated in the master plan.~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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- 1) HEADING OF THE PART: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping
- 2) CODE CITATION: 17 Ill. Adm. Code 570
- 3) SECTION NUMBERS: PROPOSED ACTION:
570.30 Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5) [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
This Part is being amended to remove language pertaining to the northern and southern zones in Section 570.30(b)(1).

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule does not affect small businesses

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK,
WEASEL, RED FOX, GRAY FOX, COYOTE, BEAVER AND
WOODCHUCK (GROUNDHOG) TRAPPING

Section
570.10 Statewide Zones
570.20 Statewide Season Dates
570.30 Statewide Hours, Daily Limit and Possession Limit
570.40 Trapping Regulations on Department-Owned, -Leased or
-Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5) [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 11586, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. _____, effective _____.

Section 570.30 Statewide Hours, Daily Limit and Possession Limit

- a) Muskrat, mink, raccoon, opossum, striped skunk and weasel
- 1) Trapping hours: November 5 in the Northern Zone and November 15 in the Southern Zone open for trapping at sunrise; January 3 in the Northern Zone and January 13 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.

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- 2) Daily and possession limit: None

- b) Red fox, gray fox and coyote

- 1) Trapping hours: November 15 open for trapping at sunrise; ~~January 3 in the northern zone and January 13 in the southern zone~~ closed for trapping after sunset; otherwise, hours are unrestricted.

- 2) Daily and possession limit: None

- c) Beaver

- 1) Trapping hours: November 5 in the Northern Zone and November 15 in the Southern Zone open for trapping at sunrise; March 31 closed for trapping after sunset except those portions of Carroll, Whiteside and Rock Island Counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Davies County line, are closed for trapping January 3 after sunset; otherwise, hours are unrestricted.

- 2) Daily and possession limit: None

- d) Woodchuck (groundhog)

- 1) Trapping hours: June 1 open for trapping at sunrise; September 30 closed for trapping after sunset; otherwise hours are unrestricted.

- 2) Daily and possession limit: none.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

1) HEADING OF THE PART: Possession of Specimens or Products of Endangered or Threatened Species

2) CODE CITATION: 17 Ill. Adm. Code 1070

3) SECTION NUMBERS:

1070.10 Amendments
1070.20 Amendments
1070.30 Amendments

PROPOSED ACTION:

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 4 and 11(c) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, pars. 334 and 341(c)) [520 ILCS 10/4 and 10/11].

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
This Part is being amended to relieve fur buyers and taxidermists from the requirement to maintain two sets of records and permits for a single activity, i.e., the acquisition of products of endangered and threatened species from out-of-state sources.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?
No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule does not

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER c: ENDANGERED SPECIESPART 1070
POSSESSION OF SPECIMENS OR PRODUCTS OF
ENDANGERED OR THREATENED SPECIES

Section	
1070.10	Definitions
1070.20	Permit Requirements
1070.30	Permit Provisions
1070.40	Limited Permit Provisions
1070.50	Reporting Requirements
1070.60	Facilities and Welfare Standards (Animal)
1070.70	Facilities Standards (Plant)
1070.80	Revocation

AUTHORITY: Implementing and authorized by Sections 4 and 11(c) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, pars. 334 and 341(c)) [520 ILCS 10/4 and 10/11].

SOURCE: Adopted 13 Ill. Reg. 14934, effective September 6, 1989; amended at 14 Ill. Reg. 18264, effective October 29, 1990; amended at 15 Ill. Reg. 13341, effective September 3, 1991; amended at 17 Ill. Reg. _____, effective _____.

Section 1070.10 Definitions

Animal - those organisms commonly included in the science of zoology and generally distinguished from plants by possession of a nervous system and the ability to move from place to place, including all invertebrates such as sponges and mollusks as well as vertebrates such as fishes, amphibians, reptiles, birds, and mammals. (Section 2 of the Illinois Endangered Species Protection Act) (the Act) (Ill. Rev. Stat. 1991, ch. 8, par. 332) [520 ILCS 10/2].

Animal Product - the fur, hide, skin, teeth, feathers, tusks, claws, eggs, nests or the body or any portion thereof whether in a green or raw state or as a product manufactured or refined from an animal protected under the Illinois Endangered Species Protection Act (Section 2 of the Act) or under rules issued pursuant to that Act.

Board - the Illinois Endangered Species Protection Board. (Section 2 of the Act).

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Department - the Illinois Department of Conservation. (Section 2 of the Act).

Director - the Director of the Illinois Department of Conservation. (Section 2 of the Act).

Endangered Species - any species of plant or animal classified as endangered under the Federal Endangered Species Act of 1973 (P.L. 93-205, effective December 28, 1973) and amendments thereto, plus such other species which the Board may list as in danger of extinction in the wild in Illinois due to one or more causes including but not limited to, the destruction, diminution or disturbance of habitat, overexploitation, predation, pollution, disease, or other natural or manmade factors affecting its prospects of survival, but not including nursery plant stock obtained from a non-wild source, nor pre-act or legally obtained birds of prey held by licensed falconers. (Section 2 of the Act).

Federal Endangered Plant - A plant appearing on the Federal Endangered Species List.

Illinois List - those species of animals and plants listed by the Board as endangered or threatened. (Section 2 of the Act).

Person - any individual, firm, corporation, partnership, trust, association, private entity, government agency, or their agents, and representatives. (Section 2 of the Act).

Plant - any organism not considered to be an animal, including such organisms as algae, fungi, bryophytes, and ferns, as well as flowering plants and conifers. (Section 2 of the Act).

Plant Product - any plant body or part thereof removed from natural habitat, including seeds, fruits, roots, stems, flowers, leaves, or products made from any of these, including extracts and powders. (Section 2 of the Act).

Program Manager - the supervisor of the Endangered and Threatened Species Conservation Program in the Department.

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Scrap - to dispose of a specimen or product of an endangered or threatened species in a manner which permanently removes that specimen or product from the possession of the permit holder and renders the specimen or product unsuitable for possession by any other person. This shall include, but not be limited to euthanasia, burning, or burial.

Specimen - a live individual of any animal or plant species.

Take - in reference to animals and animal products, to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture, collect, or to attempt to engage in such conduct. In reference to plants and plant products, to collect, pick, cut, dig up, kill, destroy, bury, crush, or harm in any way.

Threatened Species - any species of plant or animal classified as threatened under the Federal Endangered Species Act of 1973 (P.L. 93-205, effective December 28, 1973) and amendments thereto, plus such other species which the Board may list as likely to become endangered in Illinois within the foreseeable future. (Section 2 of the Act).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1070.20 Permit Requirements

a) It shall be unlawful for any person to take, possess, transport, purchase, or dispose of specimens or products of an endangered or threatened animal or federal endangered plant after the date of listing unless a valid permit for such activity has been issued pursuant to this Part or as otherwise provided for in this Section or 17 Ill. Adm. Code 1590 (Falconry and the Captive Propagation of Raptors) or Ill. Rev. Stat. 1991, ch. 56, pars. 20-85 [515 ILCS 5/20-85]; Ill. Rev. Stat. 1991, ch. 61, pars. 3.11, 3.12, 3.15, 3.16, and 3.18 and 3.21 [520 ILCS 5/3.11, 3.12, 3.15, 3.16, 3.18 and 3.21].

b) Any person having a current, valid permit issued by the U.S. Fish and Wildlife Service pursuant to the Federal Endangered Species Act of 1973 (P.L. 93-205, effective December 28, 1973) or an Exhibitor Permit issued by the

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U.S. Department of Agriculture for the taking, possession, transportation, purchase, or disposal of species designated as endangered or threatened by the Secretary of the Interior of the United States and not known to occur within the State of Illinois, shall be considered to have met the requirements for issuance of a permit pursuant to this Part and shall be issued a permit upon request.

c) Notwithstanding subsection (a), any person may possess or transport a species on the Illinois list within Illinois for purposes such as circuses, theatrical acts, carnivals, or displays, provided that the listed species is held under a current, valid permit for such purposes issued by the U.S. Fish and Wildlife Service pursuant to the Federal Endangered Species Act of 1973 (P.L. 93-205, effective December 28, 1973) or an Exhibitor Permit issued by the U.S. Department of Agriculture or the appropriate authorities of a state other than Illinois, for a period not to exceed thirty (30) days in any calendar year.

d) Notwithstanding subsection (a), any employee or agent of the Department or the Board or the U.S. Fish and Wildlife Service who is designated by that agency for such purposes, shall be authorized, when acting in the course of his official duties, to take endangered or threatened animals without a permit if such action is necessary to aid a sick, injured or orphaned specimen; or dispose of a dead specimen; or salvage a dead specimen which may be useful for scientific study or educational purposes.

e) Any taking pursuant to subsection (d) must be reported in writing to the Program Manager within ten (10) working days.

f) It shall be unlawful for any person to possess, purchase, or dispose of specimens or products of an endangered or threatened animal or federal endangered plant which was in the possession of that person prior to May 1, 1973, or acquired legally out-of-state unless a valid limited permit for such activity has been issued pursuant to this Part, which permit shall be issued upon proof of pre-Act or legal acquisition.

g) It shall be unlawful for any person to propagate or attempt to propagate any endangered or threatened animal or federal endangered plant unless a valid permit

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specifically allowing such activity has been issued pursuant to this Part.

- h) It shall be unlawful for any person to perform taxidermic services upon any product of an endangered or threatened species except as allowed by this Part.
- i) It shall be unlawful for any person to possess an endangered or threatened animal for purposes of veterinary rehabilitation for a period exceeding ninety (90) days unless a valid permit for such activity has been issued pursuant to this Part. Only persons holding a rehabilitation permit issued by the Department shall possess endangered or threatened animals for such purposes. All rehabilitators are required to notify the Program Manager within 10 working days of the receipt of any endangered or threatened animals. Release of rehabilitated animals shall be only at the location at which the animal was collected or at another location approved by the Department.
- j) Permits issued under this Part or valid copies thereof must be in the possession of the holder or his agent when engaged in activities involving endangered or threatened animals or federal endangered plants and presented upon demand to any authorized officer or agent of the Department or any police officer of the State of Illinois or of any unit of local government within the State of Illinois.
- k) No person shall transfer a permit issued pursuant to this Part to another person.
- l) Except as otherwise stated on the face of a permit, any person who is under the direct control of the permittee, or who is employed by or under contract to the permittee for the purposes authorized by the permit, may carry out the activity authorized by the permit.
- m) The authorizations on the face of a permit which allow specific activities (e.g. taking, possession, disposal), specify numbers or quantities of specimens or products, or otherwise permit a specifically limited matter, are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.
- n) A permittee who furnishes his permit to the Director for

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endorsement or correction in compliance with this Part may continue those activities authorized by the permit pending its return.

- o) All correspondence regarding permits issued pursuant to this Section shall be addressed to:

Endangered Species Program Manager
Division of Natural Heritage
Illinois Department of Conservation
524 S. Second Street
Springfield, IL 62701-1787

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1070.30 Permit Provisions

To take, possess, transport, purchase, or dispose of specimens or products of endangered or threatened animals or federal endangered plants after the date of listing, an applicant must provide a scientific, educational, or zoological/botanical justification to keep such animals, animal products, plants, or plant products.

- a) Scientific Purpose - Persons planning to conduct research involving endangered or threatened animals or federal endangered plants must apply for a permit for scientific purposes.

- 1) In addition to completing a permit application form provided by the Department, the applicant for a scientific permit must submit:

- A) an outline of the proposed research, including the scientific justification for such research, methods to be used, needs for the use of an endangered or threatened species, and a statement as to how the proposed research will enhance the survival and well-being of the species involved;
- B) a description, including photographs, of the facilities intended for use in holding the endangered or threatened species; and
- C) a statement of the qualifications of the applicant to conduct the proposed research, including educational history, experience in

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similar research, and a list of pertinent publications and professional activities.

- 2) Scientific purposes include, but may not be limited to:

- A) study of biology, physiology, or behavior of the affected species; and
- B) banding or otherwise marking these species including eggs, seeds, dens, nests, or progeny.

- 3) A permit for scientific purposes will be approved if the research proposal meets the following criteria:

- A) the applicant's credentials indicate training and experience which will assure that the applicant has the ability to conduct the proposed research.
- B) the proposed research cannot be conducted using a non-listed species;
- C) the proposed research can be expected to yield results which will enhance the survival and welfare of wild populations of the species involved; and
- D) the facilities to be used to house endangered or threatened species are shown to meet the standards defined in Sections 1070.60 or 1070.70 of this Part.

- b) Educational Purpose - Persons wishing to utilize specimens or products of endangered or threatened animals or federal endangered plants in an educational program must apply for a permit for educational purposes. Permits for educational purposes will be issued only to institutions (e.g. schools, museums, zoos) or to individuals employed and/or sponsored by such an institution.

- 1) In addition to completing a permit application form provided by the Department, the applicant for an educational permit must submit:

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- A) an outline of the educational program to be presented. Every educational program shall include information on the endangered or threatened status of the specimens being displayed and an explanation of the legal acquisition of the specimens;

- B) a list of all similar programs conducted by the applicant during the two years preceding the application for an educational permit, including estimates of the number of persons attending each presentation;

- C) a statement as to how the possession of the specimens or products of endangered or threatened animals or federal endangered plants by the applicant will enhance the welfare of the species involved;

- D) a description, including photographs, of the facilities intended for use in holding the endangered or threatened species; and

- E) a verified statement that any specimens to be used in the educational program will be obtained legally.

- 2) A permit for educational purposes will be issued if the proposed educational program meets the following criteria:

- A) the credentials of the applicant indicate training and experience which will assure that the applicant has the ability to conduct the proposed program;
- B) the program promotes the survival of the endangered or threatened species and its natural habitat;
- C) the program promotes understanding of the ecological needs of natural populations of the species;
- D) the program promotes understanding of the role of the endangered or threatened species in its natural environment; and

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- E) the facilities to be used to house endangered or threatened species are shown to meet the standards defined in Section 1070.60 or 1070.70 of this Part.

c) Zoological/Botanical Purpose - Persons wishing to display specimens or products of endangered or threatened animals or federal endangered plants in a zoological/botanical program (e.g. zoological parks, aquaria, arboreta) must apply for a permit for zoological/botanical purposes. If specimens to be held under a permit for zoological/botanical purposes are to be available for public viewing, the public display shall include a notice which describes the endangered or threatened status of the species and explains the means of legal acquisition of the specimens. Such notice shall be posted prominently in a location easily visible to all visitors.

- 1) In addition to completing a permit application form provided by the Department, the applicant for a zoological/botanical permit must submit:

- A) a photostatic copy of an Exhibitor Permit issued by the U.S. Department of Agriculture;
 - B) an outline of all proposed programs that would utilize specimens or products of endangered or threatened species;
 - C) a statement of the training and experience of those persons to be responsible for the care of the endangered or threatened species;
 - D) a statement as to how the possession of the specimens or products of endangered or threatened animals or federal endangered plants by the applicant will enhance the welfare of the species involved;
 - E) a description, including photographs, of the facilities intended for use in holding the endangered or threatened species; and
 - F) a verified statement that any specimens to be used in a zoological/botanical program will be legally obtained.
- 2) A permit for zoological/botanical purposes will be

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issued if the proposed zoological/botanical program meets the following criteria:

- A) the credentials of the applicant indicate training and experience which will assure that the applicant has the ability to conduct the proposed program;
- B) the program promotes the survival of the endangered or threatened species and its natural habitat;
- C) the program promotes understanding of the ecological needs of natural populations of the species;
- D) the program promotes understanding of the role of the endangered or threatened species in its natural environment; and
- E) the facilities to be used to house endangered or threatened species are shown to meet the standards defined in Section 1070.60 or 1070.70 of this Part.

d) Permit for Propagation of Endangered or Threatened Species - Persons wishing to propagate or attempt to propagate any endangered or threatened species of animal or federal endangered plant must apply for a permit for such purposes. Propagation permits may be issued as an addendum to permits for scientific or zoological/botanical purposes. A permit for educational purposes shall not include permission to propagate or attempt to propagate endangered or threatened species. A permit issued pursuant to 17 Ill. Adm. Code 1590 (Falconry and the Captive Propagation of Raptors) for the propagation of raptors shall be deemed to meet the requirement of this Part.

- 1) In addition to the materials submitted as application for a scientific or zoological/botanical permit, the applicant for a propagation permit must submit:

- A) a statement as to how the propagation of endangered or threatened animals or federal endangered plants by the applicant will enhance the welfare of the species;

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B) a statement describing the disposition of any successfully propagated individuals. Release of such individuals into natural populations or attempts to reintroduce a species into an area where it is known or believed to have formerly occurred will be allowed only with the express written consent of the Director, pursuant to Sections 2.2 and 2.3 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 2.2 and 2.3) [520 ILCS 5/2.2 and 2.3]; and

C) a statement as to how the propagation of the endangered or threatened species is necessary for the success of the scientific or zoological/botanical project.

2) A permit for the propagation or attempted propagation of endangered or threatened animals or federal endangered plants will be issued if the proposed propagation project meets the following criteria:

A) propagation of the species will enhance the survival and welfare of the species through supplementation of natural populations or by adding significantly to the knowledge of the species in its natural environment; and

B) propagation is essential to the completion of the objectives stated in the application for a permit for scientific or zoological/botanical purposes.

e) The holder of a permit may allow temporary possession of animal products covered by that permit by a licensed taxidermist for the purpose of providing taxidermic services (e.g. mounting, cleaning, tanning). A copy of the permit or a signed statement by the permit holder attesting to the existence of such a permit must accompany the products while in the possession of the taxidermist. Taxidermic services shall be provided only by persons licensed as taxidermists by the Department pursuant to Section 5.15 of the Fish Code (Ill. Rev. Stat. 1991, ch. 56, par. 5.15) [515 ILCS 5/5-15] and Section 3.21 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 3.21) [520 ILCS 5/3.21] or by appropriate authorities of another state.

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f) The holder of a permit may dispose of specimens or products covered by that permit through transfer or scrapping only after a permit for disposal has been applied for and received from the Department. The application for a transfer permit shall include the name and address of the intended recipient of the specimens or product. Transfer will be allowed only after the intended recipient has applied for and received the necessary permit for possession.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

1) HEADING OF THE PART: White-Tailed Deer Hunting Season by Use of Handguns

2) CODE CITATION: 17 Ill. Adm. Code 680

3) SECTION NUMBERS:

680.10 Amendments
680.20 Amendments
680.40 Amendments
680.50 Amendments
680.80 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36) [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
This rule is being amended to set the hunting season dates, change the application dates, change the handgun requirements and specify how sites are to be open to hunting.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

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12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule does not affect small businesses

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 680

WHITE-TAILED DEER HUNTING SEASON BY USE OF HANDGUNS

Section

- 680.10 Statewide Season
680.20 Statewide Deer Permit Requirements
680.30 Deer Permit Requirements - Group Hunt
680.40 Statewide Handgun Requirements for Deer Hunting
680.50 Statewide Deer Hunting Rules
680.60 Reporting Harvest
680.70 Rejection of Application/Revocation of Permits
680.80 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36) [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992, amended at 17 Ill. Reg. _____, effective _____

Section 680.10 Statewide Season

- a) Season: One-half hour before sunrise on Friday of the ~~this~~ second 3-day weekend (Friday, Saturday, Sunday) in January to sunset on Sunday of this 3-day weekend in January. Shooting hours are one-half hour before sunrise to sunset.

- b) For the purpose of removing surplus deer, the Department of Conservation (Department) shall open select counties and sites to handgun deer hunting. The Department shall notify the public of the counties that are projected to have surplus deer populations via a news release. These counties also will be listed in the instructions contained with the 1993-1994 Handgun Deer Permit Application.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 680.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid

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"Handgun Deer Permit" (\$15.00) and must be 18 years of age or older by the opening date of the handgun deer season applied for. A permit is issued for one county and is valid only in the county stated on the permit. For permit applications and other information write to:

Department of Conservation
(Handgun Deer Season)
Deer Permit Office
524 South Second Street, Room 210
Post Office Box 19227
Springfield, IL 62794-9227

- b) Applications shall be accepted from November 1 through November 9~~12~~ for the 1993-1994 Handgun Deer Season in January. Applications post-marked after November 9~~12~~ shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless-only.

- c) In-person and mail-in applications shall receive equal treatment in the drawings.

- d) ~~Applicants-Each applicant must apply using the official agency Handgun Deer Permit Application, and must complete all portions of the Handgun Deer Permit Application form. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.~~

- e) ~~Each applicant must apply using the official agency Handgun Deer Permit Application.~~

- ~~f) e)~~ For the applicant to be eligible to receive a Handgun Deer Permit (\$15.00), he must be an Illinois resident, at least 18 years of age by the opening date of the handgun deer season and not have had his deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 3.36) [520 ILCS 5/3.36].

- ~~g) f)~~ Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.

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~~h)g)~~ The Recipients of the Handgun Deer Hunting Permit shall include the hunter's record their signature, date of birth, Firearm Owner's Identification number (unless exempt), hunting license number (unless exempt) and physical description recorded on the permit and carried must carry it on their person while hunting.

~~h)h)~~ Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

~~j)j)~~ A three dollar (\$3.00) service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

~~k)j)~~ Each applicant must enclose a separate \$15.00 (check or money order) payable to the Department of Conservation, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 680.40 Statewide Handgun Requirements for Deer Hunting

a) The only legal hunting device is a centerfire handgun of .30 caliber or larger with a minimum barrel length of 4 inches. It shall be unlawful to take or attempt to take white-tailed deer by the use of a semi-automatic handgun or handguns altered to allow for shoulder firing.

b) The only legal ammunition is any centerfire handgun cartridge of .30 caliber or larger, that is available as a factory load with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle and whose case length does not exceed 1.4 inches. Full-metal jacket bullets cannot be used to harvest white-tailed deer.

c) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the Handgun Deer Season. (Except that the otherwise lawful possession of firearms to take furbearing mammals and game mammals other than deer shall

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not be prohibited during the handgun deer season as set in Section 680.10.)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 680.50 Statewide Deer Hunting Rules

a) Bag limits: one deer per legally authorized permit.

~~b)~~ ~~Totally white, white-tailed deer are protected pursuant to Section 2.24 of the Wildlife Code (Ill. Rev. Stat., 1991, ch. 61, par. 2.24) and are illegal to kill.~~

~~c)~~ ~~The Handgun Deer Hunting Permit shall include the hunter's signature, date of birth, Firearm Owner's identification number, hunting license number and physical description recorded on the permit and must be carried on the person while hunting.~~

~~d)b)~~ ~~The leg tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The head/antler or hide tag must be attached to the head/antler and hide when detached from the carcass. The head/antler tag and hide tag must remain attached to the appropriate parts until when the deer/parts of deer is delivered to a licensed fur buyer, tanner or taxidermist for processing. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer.~~

~~e)c)~~ ~~Hunters shall not have in their possession, while in the field during the handgun deer season, any deer permit issued to another person (permits are non-transferable).~~

~~f)d)~~ ~~Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 680.80 Regulations at Various Department-Owned or -

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Managed Sites

~~The sites listed in this Section~~ Sites will be opened to handgun deer hunting only if the county in which they are located is opened to handgun deer hunting and the site is announced as being open via a news release.

a) ~~Statewide regulations shall apply except that hunting will be allocated by permit only. Permits will be allocated by a drawing held at 6:00 a.m. at the site check station.~~

Maple Woods

b) ~~Statewide regulations shall apply. Hunters must check in and check out and report harvest. Regulations concerning the use of tree stands as defined in 17 Ill. Adm. Code 650.60(b)(1) and (2) apply during the handgun deer season at this site.~~

Cache River State Natural Area**Crawford County Conservation Area****Pyramid State Park**

e) ~~Statewide Regulations shall apply at the following sites:~~

Turkey Bluffs Fish and Wildlife Area

~~Mississippi River Pools 21, 22, 24, 25, 26 (only that portion of the river pool in the county for which the permit is issued is open)~~

d) ~~Statewide Regulations shall apply. Hunters must check in and check out and report harvest. Only Zone B is open to hunting.~~

Pike County Conservation Area

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Private Business and Vocational Schools
- 2) Code Citation: 23 Ill. Adm. Code 451
- 3) Section Numbers: Proposed Action:
451.220 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 144, par. 136 et seq. (105 ILCS 5/136 et seq.) and Ill. Rev. Stat. 1991, ch. 23, par. 11-2.1 (105 ILCS 5/11-2.1)
- 5) A Complete Description of the Subjects and Issues Involved:
This rulemaking updates an existing incorporation by reference of standards established by the American Institute of Certified Public Accountants (AICPA). These standards deal with the preparation of financial statements and bring the State Board's requirements into alignment with the AICPA's most current version.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? Yes.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Jon X. Healy
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-3950

In addition, a public hearing on this rulemaking will be held on September 16, 1993, at 10:30 a.m. in Conference

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Rooms A and B of the State Board's offices in Suite 14-300 of the James R. Thompson Center at 100 West Randolph, Chicago.

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER m: POSTSECONDARY SCHOOLS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 1, 1993.
- B) Types of small businesses affected: Private Business and Vocational Schools.
- C) Reporting, bookkeeping or other procedures required for compliance: The procedures required are those accounting procedures which continue to be needed to bring the affected schools' financial statements into compliance with standards established by the American Institute of Certified Public Accountants (AICPA). These standards have been incorporated into the rules for Private Business and Vocational Schools since the rules' adoption in 1990; the present amendment brings agency standards into alignment with the AICPA's most current version.
- D) Types of professional skills necessary for compliance: The professional skills necessary are the accounting skills required in the preparation of financial statements.

The full text of the Proposed Rule(s) begins on the next page:

PART 451

PRIVATE BUSINESS AND VOCATIONAL SCHOOLS

SUBPART A: SCHOOL APPROVAL

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Out-of-State School Approval
Classroom Extensions
Supplementary Courses of Instruction
Change of School Location
Change of School Ownership
School Closing/Change of Status
Warning, Suspension, Revocation of Accreditation and/or Approval
Inspection and Periodic Review
Cease and Desist Orders
Comparison of Graduation or Completion Rates

SUBPART B: SCHOOL STRUCTURE AND OPERATIONS

Section
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School Purpose
Administration and Organization
Financial Resources/Financial Recordkeeping
School Surety Bond
Liability Insurance
Recordkeeping
School Advertising
School Catalog/Bulletin
Instructional Program and Services
Home Study and Home Study/In-Residence Schools
Student Work Experience
Instructional Equipment, Facilities and Materials

SUBPART C: SCHOOL PERSONNEL

Section
451.400
451.410
451.420
451.430

Administrator Qualifications
Faculty Qualifications
Sales Representatives
Sales Representative Bond

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NOTICE OF PROPOSED AMENDMENTS

SUBPART D: STUDENTS

Section	
451.500	Student Admissions Standards
451.510	Handicapped Students
451.520	Enrollment Agreements
451.530	Student Obligations, Cancellation and Refund Policies
451.540	Student Personnel Services
451.550	Placement Assistance
451.555	Student Progress
451.560	Student Attendance and Tardiness
451.570	Student Conduct and Discipline
451.580	Student Rights
451.590	Student Complaints

AUTHORITY: Implementing and authorized by the Private Business and Vocational Schools Act (Ill. Rev. Stat. 1991, ch. 144, par. 136 et seq.) [105 ILCS 5/136 et seq.] and Section 11-2.1 of the Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 11-2.1) [105 ILCS 5/11-2.1].

SOURCE: Adopted February 1, 1973; codified at 8 Ill. Reg. 16289; Part repealed, new Part adopted at 14 Ill. Reg. 7518, effective May 3, 1990; amended at ___ Ill. Reg. ___, effective ____.

NOTE: Capitalization denotes statutory language.

SUBPART B: SCHOOL STRUCTURE AND OPERATIONS

Section 451.220 Financial Resources/Financial Recordkeeping

- a) The school shall provide the following financial information with each original application and each annual renewal:

- 1) Financial statements compiled in accordance with standards established by the American Institute of Certified Public Accountants (Codification of Statements on Standards for Accounting and Review Services, Nos. ~~1-6~~ 1-7, January 1, ~~1999~~ 1993; no later amendments to or editions of these standards are incorporated) and including:

- A) a balance sheet,

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- B) an income statement, and
 - C) a statement of cash flows; and
- 2) When applicable:
- A) an annual report, and
 - B) the prior year's financial history.
- b) If, after analyzing the school's financial reports and records, the Superintendent determines a school is not financially sound or that it has financial difficulties deemed serious enough to consider denial or revocation of approval or that its records are incomplete or inaccurate, the Superintendent shall require the school within 75 calendar days of written notice to submit:
- 1) audited financial statements with the report of the independent auditors by whom the audit was performed; and
 - 2) its most recent federal and state income tax reports.

(Source: Amended at ___ Ill. Reg. ___, effective ____.)

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Number: 160.65
Proposed Action: Amendment
- c) In a case in which there is an assignment of medical support but no assignment of support, the order for support requires health insurance for the child covered by the order and neither parent has requested a review; or
- d) The order is an administrative order for support entered by the Department pursuant to the registration of another State's order.

Notice of the Right to Request A Review

This rulemaking establishes that in each Title IV-D case the Department will provide a one-time notice to each parent subject to an order for support in the case. The notice will inform the parent of the right to request a review of the order, where to request a review and the information which must accompany a request. The Department will use the broadcast or print media, at least twice a calendar year, to publicize the right to request a review as part of the child support enforcement program, and include notice of this right as part of the information on IV-D services contained in its brochures, pamphlets and other printed materials describing the program.

Notice of Review

This rulemaking provides that the Department will notify the client and responsible relative that a review will be conducted at least 30 days before commencement of the review. The notice of review will require completion of a form financial affidavit and return of the affidavit to the Department within 15 calendar days after the date the client or relative received the notice and state that if, as a result of the review, action is taken to modify the order for support, the Department will order or request the court to order the responsible relative to provide health insurance. However, in cases where the client is not receiving medical assistance the notice shall state that health insurance may be ordered or requested only with the client's consent.

Notice of Review Results

The Department will inform the client and responsible relative of the result of the review and provide a copy of the FSS calculation comparing the responsible relative's current financial ability to the amount of the existing order. The client and responsible relative will be advised whether or not the Department will take action to modify the existing order for support and of the right to contest the determination.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

- 4) Statutory Authority: Sections 4-1.7, 10-1 et seq., 12-4.3 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1.7, 10-1 et seq., 12-4.3 and 12-13)[305 ILCS 5/4-1.7, 10-1, 12-4.3 and 12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments implement the requirements of section 103(c) of the Family Support Act of 1988 (P.L. 100-485) codified at 42 USC §666(a)(10)(B) and (C) which are effective October 13, 1993. Section 103(c) requires periodic review of child support orders and adjustment, as appropriate, in accordance with the Department guidelines for support award amounts.

This rulemaking implements the requirement that the Department have a process under which child support orders in IV-D cases are, with certain exceptions, periodically reviewed not later than 36 months after the establishment of the order or the most recent review, and adjusted, as appropriate, in accordance with Department guidelines. These proposed amendments also implement the requirement that the Department notify each parent subject to a child support order, being enforced under Title IV-D, of the right to request a review of the order. In addition, these proposed amendments include the addition of the definition of "order for support", "order for withholding", "assignment of support", assignment of medical support", "health insurance", "review" and "Quantitative Standard for Review."

- Review and Modification of Support Orders
- Beginning October 13, 1993, as the result of these proposed amendments, the Department will review child support orders in Title IV-D cases at 36 month intervals after establishment, modification or the last review, whichever was the last to occur, unless:
- a) In a case in which there is an assignment of support or an assignment of medical support, the Department determines that a review would not be in the best interests of the child and neither parent has requested a review; or
- b) In a case in which there is no assignment of support or assignment of medical support, neither parent has requested a review; or

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- | Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|------------------------------------|
| 160.1 | Amendment | March 26, 1993 (17 Ill. Reg. 3820) |
| 160.5 | Amendment | March 26, 1993 (17 Ill. Reg. 3820) |
| 160.15 | New Section | March 26, 1993 (17 Ill. Reg. 3820) |
| 160.25 | New Section | March 26, 1993 (17 Ill. Reg. 3820) |
| 160.77 | New Section | March 26, 1993 (17 Ill. Reg. 3820) |

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

Sections	Proposed Action	Illinois Register Citation
1.000	Adopted	11/11/2010
2.000	Adopted	11/11/2010
3.000	Adopted	11/11/2010
4.000	Adopted	11/11/2010
5.000	Adopted	11/11/2010
6.000	Adopted	11/11/2010
7.000	Adopted	11/11/2010
8.000	Adopted	11/11/2010
9.000	Adopted	11/11/2010
10.000	Adopted	11/11/2010
11.000	Adopted	11/11/2010
12.000	Adopted	11/11/2010
13.000	Adopted	11/11/2010
14.000	Adopted	11/11/2010
15.000	Adopted	11/11/2010
16.000	Adopted	11/11/2010
17.000	Adopted	11/11/2010
18.000	Adopted	11/11/2010
19.000	Adopted	11/11/2010
20.000	Adopted	11/11/2010
21.000	Adopted	11/11/2010
22.000	Adopted	11/11/2010
23.000	Adopted	11/11/2010
24.000	Adopted	11/11/2010
25.000	Adopted	11/11/2010
26.000	Adopted	11/11/2010
27.000	Adopted	11/11/2010
28.000	Adopted	11/11/2010
29.000	Adopted	11/11/2010
30.000	Adopted	11/11/2010
31.000	Adopted	11/11/2010
32.000	Adopted	11/11/2010
33.000	Adopted	11/11/2010
34.000	Adopted	11/11/2010
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47.000	Adopted	11/11/2010
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80.000	Adopted	11/11/2010
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82.000	Adopted	11/11/2010
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90.000	Adopted	11/11/2010
91.000	Adopted	11/11/2010
92.000	Adopted	11/11/2010
93.		

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|--------|-------------|----------------|---------------------|
| 160.1 | Amendment | March 26, 1993 | (17 Ill. Reg. 3820) |
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10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

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12) Initial Regulatory Flexibility Analysis:

- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

PART 160

- SUBPART A: CHILD SUPPORT ENFORCEMENT

- Section
160.1
160.5
160.10
160.20

Incorporation By Reference
Definitions
Child Support Enforcement Program
Assignment of Rights to Support

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

- | Section |
|--|
| 160.30 Cooperation With Support Enforcement Program |
| 160.35 Good Cause For Failure to Cooperate With Support Enforcement |
| 160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement |
| 160.45 Suspension of Child Support Enforcement Upon Finding of Good Cause |

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

- | Section | |
|---------|--------------------------------------|
| 160.60 | Establishment of Support Obligations |
| 160.65 | Modification of Support Obligations |

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

- | Section | |
|---------|--|
| 160.70 | Enforcement of Support Orders |
| 160.75 | Withholding of Income to Secure Payment of Support |
| 160.80 | Amnesty - 20% Charge |
| 160.85 | Diligent Efforts to Serve Process |

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

- | | |
|---------|-----------------------------------|
| Section | Earmarking Child Support Payments |
| 160.90 | |

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

- Section
160.100 Distribution Of Child Support For AFDC Recipients

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- 160.110 Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services
- 160.120 Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled
- 160.130 Distribution Of Intercepted Income Tax Refunds and Other State Payments
- 160.132 Distribution Of Child Support for Non-AFDC Clients
- 160.134 Distribution Of Child Support For Interstate Cases
- 160.136 Distribution Of Support Collected in IV-E Foster Care Maintenance Cases
- 160.138 Distribution Of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

- 160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

- 160.150 Department Review Of Distribution Of Child Support For AFDC Recipients
- 160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, 10-1 et seq., 12-4.3, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1.7, 10-1 et seq., 12-4.3 and 12-13) [305 ILCS 5/4-1.7, 5/10-1 et seq., 5/12-4.3 and 5/12-13]

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 16 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. ____ , effective ____ .

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

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SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section 160.65 Modification of Support Obligations

a) Definitions

- 1) "Order for support" means any Illinois court or administrative order for child support.
- 2) "Order for withholding" means any Illinois court or administrative order for withholding.
- 3) "Payment received" means any child support payment except intercepts of federal income tax refunds, State Comptroller payments and unemployment insurance benefits.
- 4) "Quantitative Standard for Review" means the current financial ability of the responsible relative, as determined through automated or manual review, is at least 10% above or below the existing order for support and the change is an amount equal to at least \$5.00 a month.
- 5) "Automated review" means initial review of financial ability as described in subsection (c) below.
- 6) "Manual review" means the FSS determination of financial ability as described in subsection (g) below.
- 7) "Health insurance" means health insurance coverage for the dependent child(ren) for whom support is sought.
- 8) "Health insurance at reasonable cost" means health insurance coverage available through employment or other group health insurance, regardless of service delivery mechanism.
- b) Programs for Review and Modification of Support Obligations
- 1) The Department shall conduct a demonstration project for the development and evaluation of a process to review and modify orders for support in those cases in which the responsible relative resides in Illinois.
- A) The locations for the demonstration project are Cook County and the 6th Judicial Circuit (DeWitt, Champaign, Monticour, Piatt, Mason and Douglas Counties).
- B) The demonstration project shall be conducted through the period ending September 30, 1991.

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Section 160.65(b)(1) (continued)

- G) Title IV-D cases with existing orders for support which are at least 30 months old as of September 30, 1989 shall be subject to review to determine whether the amount of the court or administrative order should be raised or lowered.
- D) A one-time random selection of cases subject to review shall be made as follows:
- i) In Cook County, the experimental group shall consist of 25% of the cases subject to review, and an additional 25% shall be designated as the control group. The remaining 50% of the cases shall not be included in the project.
 - ii) In the Sixth Judicial Circuit, the experimental groups shall consist of all cases subject to review. A comparison group shall be comprised of all active IV-D cases in the Sixth Judicial Circuit that had child support modifications during the period October 1, 1988 through December 31, 1989.
- E) The Department shall determine, for each project location, the number of cases in which initial reviews will be conducted each month, and shall prioritize the selection of these cases from the experimental groups as follows:
- i) Cases in which the order for support does not require the responsible relative to provide health insurance for the child(ren) covered by the order, an order for withholding has been served on the relative's payer of income and payments pursuant to the order have been received by the Department within the 90 days prior to selection.
 - ii) Cases with the same circumstances set forth in subsection (b)(1)(E) above except that payments have not been received by the Department within the 90 days prior to selection.
 - iii) Cases in which the order for support requires the responsible relative to provide health insurance for the child(ren) covered by the order, an order for withholding has been served on the relative's payer of income and payments have been received by the Department within the 90 days prior to selection.

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Section 160.65(b)(1)(E) (continued)

- iv) Cases with the same circumstances set forth in subsection (b)(1)(E) above, except that payments have not been received by the Department within 90 days prior to selection.
 - v) Cases in which the responsible relative's payer of income has been identified, but an order for withholding has not been served.
 - vi) Cases in which the responsible relative's payer of income has been identified, but an order for withholding has not been entered.
 - vii) Cases in which the existing order for support was entered by the court before September 12, 1984, the effective date of the child support guidelines set forth in Section 505 of the Illinois Marriage and Dissolution of Marriage Act (Ill. Rev. Stat. 1980, ch. 40, par. 505).
 - viii) Cases in which the amount of current support required under the existing order for support is over zero, but less than \$80 per month.
 - ix) Cases in which the oldest child that is covered by the order is between 15 and 17 years of age at the time of the monthly selection.
 - x) Cases in which the current support amount is zero or the responsible relative's income is unknown.
 - xi) All other cases in the experimental group.
- 2) The Department, for the three-year period beginning October 1, 1990 and ending September 30, 1993, shall review all orders for support not included in the demonstration project as described in subsection (b)(1) above. The Department shall proceed as follows:
- A) select each month all orders which are more than 30 months old since establishment, modification, or the last review, whichever occurs last, and
 - B) shall prioritize all orders for support in accordance with subsection (b)(1)(x) above, and

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Section 160.65(b)(2) (continued)

- C) shall determine for each child support region the number of cases in which initial reviews will be conducted each month.
- 3) Cases selected for the experimental and control groups in the demonstration project in Cook County as well as the experimental group in the Sixth Judicial Circuit will not be subject to review in accordance with subsection (b)(2) above through the period ending September 30, 1991.

A) The remaining 50% of cases not selected for the Cook County experimental or control group and the comparison cases for the Sixth Judicial Circuit will be subject to review under subsection (b)(2) above.

B) All cases will be subject to review in accordance with subsection (b)(2) above after September 30, 1991.

4) The Department, beginning October 1, 1993, shall review all orders for support no later than 30 months after establishment, modification, or the last review, whichever comes later. The Department shall give priority to existing orders for support that do not include health insurance and that have a high potential to obtain such insurance at reasonable cost by selecting active IV-D cases with the same circumstances set forth in subsection (b)(1)(E)(i) and (ii) above.

5) The Department shall review any order for support whenever any change in financial circumstances of the relative becomes known through representations of the relative or of the IV-D client or from independent sources and such change would materially affect ability to support.

e) Initial Review

1) The Department shall capture all available responsible relative financial information from existing federal and State sources (e.g., Illinois Department of Employment Security) through electronic data searches on all IV-D cases set forth in subsection (b) above.

2) The initial review shall consist of an electronic calculation of the responsible relative's financial ability, in accordance with the guidelines set forth in Section 160.60(e), using the information obtained through the data searches provided for in subsection (c)(1) above.

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NOTICE OF PROPOSED AMENDMENTS

Section 160.65 (continued)

d) Notice of Initial Review

1) The Department shall notify each client and responsible relative of the results of the initial review.

A) In all IV-D AFDC cases in which the initial review met the Quantitative Standard for Review, the notice shall state that the Department will conduct a further review to verify information and determine the responsible relative's current financial ability in accordance with the guidelines as set forth in Section 160.60(e).

B) In all other IV-D cases in which the initial review met the Quantitative Standard for Review, the notice shall state that the Department will conduct a further review and seek modification only upon request of the client or responsible relative received by the Department within 30 days of the date of the notice.

C) In all IV-D cases in which the initial review did not meet the Quantitative Standard for Review, the notice shall state that since modification is not indicated the Department will proceed only upon request of the client or the responsible relative received by the Department within 30 days of the date of the notice.

2) The Department shall include with the notice of initial review results:

A) A copy of the electronic calculation of the responsible relative's financial ability, and

B) A form financial affidavit.

i) In AFDC cases in which the initial review met the Quantitative Standard for Review, a request that the client and responsible relative complete the affidavit and return it to the Department within 30 days of the date of the notice.

ii) In all other IV-D cases, a statement that if a further review is being requested, the affidavit must be completed and returned to the Department within 30 days of the date of the notice.

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NOTICE OF PROPOSED AMENDMENTS

Section 160.65(d) (continued)

Section 160.65(f) (continued)

- 3) The notice to the client and responsible relative shall state that if, as a result of further review, action is taken to modify the existing order for support, the Department will order or request the court to order the responsible relative to provide health insurance coverage. However, in cases where the client is not receiving medical assistance the notice shall state that health insurance may be ordered or requested only with the client's consent, as provided in Section 160.60(e)(7).

e) Employer-Contact

- 1) The Department shall issue a subpoena duces tecum to the responsible relative's employer at the same time notice of initial review is sent to the client and responsible relative and whenever a change in the responsible relative's employer becomes known during the course of review. The subpoena shall

- A) require production of responsible relative employment records with information including, but not limited to:

- i) the period of employment;
- ii) the frequency of wage payments;
- iii) gross wages, net pay and all deductions taken in reaching net pay;
- iv) the number of dependent exemptions claimed by the responsible relative;
- v) health insurance coverage available to the responsible relative through the employer;
- B) allow, in lieu of producing records, the completion and return of a form response to subpoena duces tecum providing responsible relative employment information;
- C) require employer compliance within 30 days of the date of the subpoena;

- 2) The FSS shall contact the responsible relative's employer by mail or telephone whenever necessary to obtain clarification of employment records or the response to subpoena duces tecum.

F) Initial Actions Taken by the Department

- 1) The Department shall notify each client and responsible relative of the results of the initial review at least 30 days prior to the FSS determination of financial ability.
- 2) Each client and responsible relative shall be advised of the right to request a review.
- 3) All cases will be reviewed upon the request of either the client or responsible relative.
- 4) All APDC cases will be reviewed without the request of either the client or responsible relative, except in cases when it is not in the best interests of the child(ren).
- 5) Each client and responsible relative shall be advised of the right to contest the results of the FSS determination at least 30 days prior to the date the modification or the decision not to modify becomes final.

g) FSS Determination of Financial Ability

- 1) The FSS shall review any financial information concerning the responsible relative. Where the responsible relative's information is not verified through an employer wage stubs or income tax returns, the FSS shall seek other verification, e.g., subpoena of the responsible relative's income tax return.
- 2) The FSS shall determine the responsible relative's current financial ability in accordance with the guidelines contained in Section 160.60(e).

- 3) The FSS shall compare the responsible relative's current financial ability to the amount of the existing order for support and determine if the Quantitative Standard for Review has been met.

h) Notice of FSS determination of Financial Ability

The Department shall inform the client and responsible relative of the results of the FSS determination and provide a copy of the calculation. The client and responsible relative will be advised whether the Department will proceed or seek to modify the existing order for support and of the right to contest the determination.

- 1) When the FSS determination of current financial ability indicates the Quantitative Standard for Review has not been met,

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NOTICE OF PROPOSED AMENDMENTS

Section 160.65(h)(1) (continued)

Section 160.65(h)(2)(C) (continued)

the client and responsible relative in both judicial and administrative cases, are advised as follows:

- A) The Department will not proceed to modify the order for support.
- B) Either party may request a redetermination within 30 days of the date of the notice by:
 - i) signing and returning the request for a redetermination to the Department; and
 - ii) providing financial documentation not furnished previously which will substantiate the request.
- 2) When the FSS determination of current financial ability indicates the Quantitative Standard for Review has been met, the client and responsible relative will be advised that:
 - A) The Department will proceed to modify the existing order for support in accordance with the FSS determination.
 - B) In cases involving the judicial process, each party will be informed 30 days in advance of the hearing date and will have the opportunity to contest the FSS determination at that time.
 - C) In cases where an administrative order for support is entered in accordance with subsection (1) below:
 - i) The client will be advised of the right to request a redetermination within 30 days of the date of mailing of the notice and administrative order for support by signing and returning the request for redetermination to the Department and providing financial documentation not furnished previously which will substantiate the request.
 - ii) The responsible relative will be advised that he has 30 days from the date of mailing of the administrative order for support in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 80-111, Adm. Code 104.103.

- iii) Where the client requests a redetermination and the responsible relative requests a hearing, the two requests shall be merged and shall be disposed of simultaneously by the hearing proceeding. The client shall be advised further of the right to present evidence at the hearing.
- iv) Where the responsible relative requests a hearing and the client does not request a redetermination, the client shall be advised further of the right to present evidence at the hearing.
- v) Where the client requests a redetermination and the responsible relative does not request a hearing, any change shall result in or have the effect of the issuance of a new administrative order for support. The responsible relative shall be advised further of the right to request a hearing and the client of the right to present evidence at the hearing.

- 3) For purposes of calculating the 30-day period in which to petition the Department for release from or modification of the administrative order for support or to request redetermination of the FSS determination of financial ability, the day immediately subsequent to the mailing of the order or determination shall be considered the first day and the day such request is received by the Department shall be considered as the last day.

Further Actions Taken by the Department

- 1) The Department shall take the following action when the FSS has determined in accordance with subsection (g) above that the Quantitative Standard for Review has been met:
 - A) In a case involving an order for support entered by the court, the FSS shall:
 - i) prepare a petition to modify and obtain an appropriate signature therefor;
 - ii) refer the case for legal action to modify child support pursuant to Section 510 of the Illinois Marriage and Dissolution of Marriage Act (Ill. Rev. Stat. 1980, ch. 40, par. 510) and

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Section 160.65(i)(1)(A) (continued)

Section 160.65(a) (continued)

iii) provide the client and responsible relative with the notice described in subsection (h)(2)(B) above.

B) In a case involving an administrative order for support established under Section 160.60(a), or modified under this rule, the FSS shall enter an administrative order for support incorporating the responsible relative's current financial ability as the new support amount and containing the information specified in Section 160.60(d)(5).

i) The FSS shall also enter an administrative order for withholding in accordance with Section 160.60(d)(6).

ii) The FSS shall provide to the client and responsible relative copies of the administrative order for support and for withholding together with the notice described in subsection (h)(2)(C) above.

2) In IV-D cases where the client is neither an applicant for nor a recipient of medical assistance, the Department, with the client's consent, shall enter or request the court to enter a support order requiring the relative to provide health insurance.

3) Upon receipt of a petition for a release from or modification of an administrative order for support as described in subsection (h)(2)(C)(iii) within 30 days of the mailing of such order, the Department will provide a hearing in accordance with 80-III-Adm.-Code-104.103. The 30-day period shall be calculated in accordance with subsection (h)(3) above.

4) Upon receipt of a request for a redetermination as set forth in subsections (h)(1)(b) and (h)(2)(C)(i) within 30 days of the mailing of the notice, the Department shall conduct such redetermination. The 30-day period shall be calculated in accordance with subsection (h)(3) above.

a) Definitions

1) "Order for support" means any court or administrative order establishing the level of child support due to a child from the responsible relative.

2) "Order for withholding" means any court or administrative order for a payor to withhold a part of a responsible relative's income for payment of child support.

3) "Assignment of support" has the meaning set forth in Section 160.5.

4) "Assignment of medical support" has the meaning set forth in Section 160.5.

5) "Health insurance" means health insurance or health plan coverage for the dependent child for whom support is sought.

6) "Review" means the FSS comparison of the responsible relative's current financial ability to the existing order for support, as described in subsection (f) below.

7) "Quantitative Standard for Review" means the current financial ability of the responsible relative, as determined through modification review, is at least 20% above or below the existing order for support and the change is an amount equal to at least \$10.00 a month.

b) Review and Modification of Support Orders

1) The Department, beginning October 13, 1993, shall review child support orders in Title IV-D cases at 36 month intervals after establishment, modification or the last review, whichever was the last to occur, unless:

A) In a case in which there is an assignment of support or an assignment of medical support, the Department determines, in accordance with subsection (b)(3) below, that a review would not be in the best interests of the child and neither parent has requested a review; or

B) In a case in which there is no assignment of support or assignment of medical support, neither parent has requested a review; or

C) In a case in which there is an assignment of medical support but no assignment of support, the order for support requires health insurance for the child covered by the order and neither parent has requested a review; or

D) The order is an administrative order for support entered by the Department pursuant to registration of another State's order under Section 160.60(d)(4).

2) Prior to the expiration of the 36 month period:

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Section 160.65(b)(2) (continued)

A) The Department, in a case in which there is an assignment of support or an assignment of medical support, shall review the order if:

- i) an order for withholding has been served on the responsible relative's payor, and payments have been received by the Department within the 90 days prior to selection for review; and
- ii) the order for support does not require the responsible relative to provide health insurance for the child covered by the order; and
- iii) the Department has not determined that a review would not be in the best interests of the child.

B) The Department, in a case in which there is no assignment of support or assignment of medical support, shall review orders as set forth in subsection (b)(2)(A), but only with the consent of the client.

C) The Department may review any order for support, unless it has determined that a review would not be in the best interests of the child, whenever a change in financial circumstances of the responsible relative becomes known through representations of the relative or of the client or from independent sources, and such change would materially affect ability to support.

3) The Department shall determine that a review of an order for support would not be in the best interests of the child if there has been a finding of good cause, and it has been determined that support enforcement may not proceed without risk of harm to the child or caretaker relative.

c) Notice of the Right to Request a Review

1) In each Title IV-D case the Department shall provide a one-time notice to each parent subject to an order for support in the case. The notice shall inform the parent of the right to request a review of the order, where to request a review and the information which must accompany a request.

2) The Department shall use the broadcast or print media at least twice a calendar year to publicize the right to request a review as part of the child support enforcement program, and include

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Section 160.65(c)(2) (continued)

notice of this right as part of the information on IV-D services contained in its brochures, pamphlets and other printed materials describing the program.

d) Notice of Review

1) The Department shall notify the client and responsible relative that a review will be conducted at least 30 days before commencement of the review.

2) The notice of review shall:

A) Require completion of a form financial affidavit and return of the affidavit to the Department within 15 calendar days after the date the client or relative received the notice; and

B) State that if, as a result of the review, action is taken to modify the order for support, the Department will order or request the court to order the responsible relative to provide health insurance. However, in cases where the client is not receiving medical assistance the notice shall state that health insurance may be ordered or requested only with the client's consent, as provided in Section 160.60(c)(7).

e) Information Gathering and Employer Contact

1) The Department shall capture all available responsible relative financial information from existing federal and State sources (e.g. Illinois Department of Employment Security) through electronic data searches on all IV-D cases.

2) If the responsible relative fails to return a completed financial affidavit within 15 calendar days after the relative receives the notice of review, the Department shall send a notice to the responsible relative's employer, in accordance with Section 10-3.1 of the Illinois Public Aid Code (305 ILCS 5/10-3.1). The notice shall:

A) require the disclosure of responsible relative employment information, including but not limited to:

- i) the period of employment;
- ii) the frequency of wage payments;

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Section 160.65(e)(2)(A) (continued)

- iii) gross wages, net pay and all deductions taken in reaching net pay;
 - iv) the number of dependent exemptions claimed by the responsible relative; and
 - v) health insurance coverage available to the responsible relative through the employer.
- B) require employer compliance within 15 calendar days after the employer's receipt of the notice.

3) If the responsible relative fails to return a completed financial affidavit within 15 calendar days after receipt of the notice of review, and the relative's employer is unknown, the Department shall use available means for obtaining the relative's financial information, e.g., service of a subpoena upon the responsible relative.

f) Review of the Order for Support

1) The FSS shall review any financial information concerning the responsible relative. Where the responsible relative's information is not verified through an employer, wage stubs or income tax returns, the FSS shall seek other verification, e.g., subpoena of the responsible relative's income tax return.

2) The FSS shall determine the responsible relative's current financial ability in accordance with the guidelines contained in Section 160.60(c).

3) The FSS shall compare the responsible relative's current financial ability to the amount of the existing order for support and determine if the Quantitative Standard for Review has been met.

4) The FSS shall determine if health insurance is being provided for the child under the order for support or whether the child's health care needs are being met through other means. In no event shall the FSS consider a child's eligibility for, or receipt of, medical assistance to meet the need to provide for the child's health care needs.

g) Notice of Review Results

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Section 160.65(g) (continued)

The Department shall inform the client and responsible relative of the results of the review and provide a copy of the FSS calculation comparing the responsible relative's current financial ability to the amount of the existing order. The client and responsible relative will be advised whether or not the Department will take action to modify the existing order for support and of the right to contest the determination.

1) When the review indicates the Quantitative Standard for Review has not been met, the client and responsible relative, in both judicial and administrative cases, are advised as follows:

A) The Department will not take action to modify the order for support; or

B) The Department will only take action to modify the order to require health insurance for the child covered by the order.

C) Either parent may request a redetermination within 30 calendar days after the date of the notice by:

i) signing and returning the request for a redetermination to the Department; and

ii) providing financial documentation or information concerning the child's health care needs not furnished previously, which will substantiate the request.

2) When the review indicates the Quantitative Standard for Review has been met, the client and responsible relative will be advised that:

A) The Department will take action to modify the existing order for support in accordance with the review results.

B) In cases involving the judicial process, each parent will be informed 30 calendar days in advance of the hearing date and will have the opportunity to contest the review results at that time.

C) In cases where an administrative order for support is entered in accordance with subsection (h) below:

i) The client will be advised of the right to request a redetermination within 30 calendar days after the date

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Section 160.65(g)(2)(C)(i) (continued)

Section 160.65(h) (continued)

of mailing of the notice and administrative order for support by signing and returning the request for redetermination to the Department and providing financial documentation or information concerning the child's health care needs not furnished previously which will substantiate the request.

ii) The responsible relative will be advised that he or she has until 30 calendar days after the date of mailing of the administrative order for support in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102.

iii) Where the client requests a redetermination and the responsible relative requests a hearing, the two requests shall be merged and shall be disposed of simultaneously by the hearing proceeding. The client shall be advised further of the right to present evidence at the hearing.

iv) Where the responsible relative requests a hearing and the client does not request a redetermination, the client shall be advised further of the right to present evidence at the hearing.

v) Where the client requests a redetermination and the responsible relative does not request a hearing, any change shall result in, or have the effect of, the issuance of a new administrative order for support. The responsible relative shall be advised further of the right to request a hearing and the client of the right to present evidence at the hearing.

3) For purposes of calculating the 30 calendar day period in which to petition the Department for release from or modification of the administrative order for support or to request redetermination of the review results, the day immediately subsequent to the mailing of the order or determination shall be considered the first day and the day such request is received by the Department shall be considered as the last day.

h) Further Actions Taken by the Department

1) The Department shall take the following action when the FSS has determined in accordance with subsection (f) above that the Quantitative Standard for Review has been met or when the Quantitative Standard for Review has not been met, but there is a determination that the order for support needs to be modified to require provision of health insurance:

A) In a case involving an order for support entered by the court, the FSS shall:

i) prepare a petition to modify, and obtain or affix appropriate signature thereto;

ii) refer the case for legal action to modify the order for support pursuant to Section 510 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/510); and

iii) provide the client and responsible relative with the notice described in subsection (g)(2)(B) above.

B) In a case involving an administrative order for support established under Section 160.60(d), or modified under this rule, the FSS shall enter an administrative order for support incorporating the results of the review and containing the information specified in Section 160.60(d)(5). Any order for health insurance shall be entered in accordance with Section 160.60(c)(7).

(i) The FSS shall also enter an administrative order for withholding in accordance with Section 160.60(d)(6).

(ii) The FSS shall provide to the client and responsible relative copies of the administrative orders for support and for withholding together with the notice described in subsection (g)(2)(C) above.

2) In IV-D cases where the client is neither an applicant for nor a recipient of medical assistance, the Department, with the client's consent, shall enter or request the court to enter an order for support requiring the responsible relative to provide health insurance.

3) Upon receipt of a petition for a release from or modification of an administrative order for support as described in subsection (g)(2)(C)(ii) within 30 calendar days after the date of mailing

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Section 160.65(h)(3) (continued)

of such order, the Department will provide a hearing in accordance with 89 Ill. Adm. Code 104.102. The 30 calendar day period shall be calculated in accordance with subsection (g)(3) above.

- 4) Upon receipt of a request for a redetermination as set forth in subsections (g)(1)(C) and (g)(2)(C)(i) within 30 calendar days after the date of mailing of the notice, the Department shall conduct such redetermination. The 30 calendar day period shall be calculated in accordance with subsection (g)(3) above.

i) Timeframes for Review and Modification

- 1) In any case in which there is an assignment of support or an assignment of medical support, the Department shall determine within 15 calendar days of October 13, 1993 or the date the order is 36 months old, whichever is later, whether a review should be conducted as provided in subsection (b)(1) above.
- 2) Subsequent determinations about whether to review an order for support in a case in which there is an assignment of support or an assignment of medical support shall be made by the Department in accordance with subsection (b)(1) above, at 36 month intervals based upon:
 - A) the date the order for support was modified; or
 - B) the date an order was entered determining that the order for support would not be modified; or
 - C) the date the period expired for requesting redetermination of the Department's review decision not to seek modification of the order for support.
- 3) Within 15 calendar days of receipt of a request for a review, the Department shall determine whether a review should be conducted in accordance with subsection (b)(1) above.
- 4) Within 180 calendar days of determining that a review should be conducted or locating the non-requesting parent, whichever occurs later, the Department shall:
 - A) send the notice of review in accordance with subsection (d) above;

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Section 160.65(1)(4) (continued)

- B) conduct a review of the order in accordance with subsection (f) above;
 - C) send the notice of review results in accordance with subsection (g) above; and
 - D) conclude any action to modify the order for support.
- j) Interstate Review and Modification
 - 1) Initiating Cases
 - A) In any case in which there is an assignment of support or an assignment of medical support, the Department shall determine, within 15 calendar days of October 13, 1993, or the date the order for support is 36 months old, whichever date occurs later, whether a review should be conducted, as required under subsection (b)(1) above, and whether the review should be conducted by the Department or another State.

- B) Subsequent determinations about whether to conduct a review shall be made in accordance with subsection (b)(1) above, at 36 month intervals based upon:
 - i) the date the order for support was modified; or
 - ii) the date an order was entered determining that the order for support would not be modified; or
 - iii) the date the period expired for requesting redetermination of a review decision not to seek modification of the order for support.

- C) Within 15 calendar days of receipt of a request for a review, the Department shall determine whether a review should be conducted, as required under subsection (b)(1) above, and whether the review should be conducted by the Department or another State.

- D) Prior to the expiration of the 36 month period the Department:
 - i) shall review or request another state to review an order for support under the circumstances set forth in subsections (b)(2)(A) and (B) above; and

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Section 160.65(j)(1)(D) (continued)

ii) may review or request another State to review an order for support as provided in subsection (b)(2)(C).

E) The Department shall determine in which State a review should be conducted after considering all relevant factors, including but not limited to:

- i) the location of existing order(s);
 - ii) the present residence of each party; and
 - iii) whether a particular State has jurisdiction over the parties.
- F) In any case coming under the provisions of subsections (j)(1)(A), (B) and (C) above, in which the Department has determined to request a review of an order for support in another State, the Department shall:

- i) send a request for review to that State within 20 calendar days of receipt of sufficient information to conduct the review and provide that State with sufficient information on the requestor of review to act on the request; and
- ii) send to the parent in Illinois, a copy of any notice issued by the responding State in connection with the review and modification of the order, within 5 working days of receipt of such notice by the Department.

2) Responding Cases

- A) Within 15 calendar days of receipt of a request for a review of an order for support in Illinois as the responding State, the Department shall determine whether a review should be conducted in accordance with subsection (b)(1).
- B) Within 180 calendar days of determining that a review should be conducted or locating the non-requesting parent, whichever occurs later, the Department shall take the actions specified in subsection (i)(4) above.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Crisis Assistance

2) Code Citation: 89 Ill. Adm. Code 116

3) Section Numbers: Proposed Action:

116.500	Amendment
116.510	Amendment

4) Statutory Authority: Articles III, IV and VI and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et seq. and 12-13)[305 ILCS 3-1, 4-1, 6-1 and 12-13]

5) Complete Description of the Subjects and Issues Involved: The Fresh Start Welfare Reform Demonstration is the State of Illinois' Welfare Reform package for AFDC. The five individual components of the Fresh Start Welfare Reform Demonstration are the following: the Youth Employment and Training Initiative, the Paternal Involvement Project, the Homeless Families Support Project, the Family Responsibility Project and the Income Budgeting Project. These proposed amendments are needed in order to support the Homeless Families Support Program of the Fresh Start Welfare Reform Demonstration.

The Homeless Families Support Project is a four year demonstration program of experimental design operated by the Department in cooperation with Catholic Charities of Joliet and Chicago Coalition for the Homeless or their successor agency. The purpose of the demonstration program is to determine if enhanced employment incentives to homeless AFDC recipients will lead to long-term employment, a more stable environment and enable the client to achieve self-sufficiency.

A minimum total of 600 homeless families receiving AFDC from three sites, one each in Cook County, Dupage County and Will County, will be randomly assigned to either an experimental group or a control group. The Department will implement for families assigned to the experimental group the following provisions:

- Provide families during the first two consecutive years of employment alternative earned income disregards to allow them to realize a monthly income up to the level of the Department's standard of need for their family size. After two years the Department will revert to the standard AFDC earned income disregard for these families.
- Increase the family asset limitation to \$3,000.
- Extend Transitional Child Care benefits from 12 to 24 months for families terminated for reason of earned income and without

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regard to AFDC receipt in 3 of the 6 months preceding ineligibility by reason of earnings and hours of work.

- Extend transitional Medicaid eligibility, without regard to income, from 12 to 24 months for families terminated for reason of earned income.
- Provide emergency assistance payments to a family more frequently or for a longer period than 30 days in any 12 month period, not to exceed 6 months in any 12 month period.

The evaluation for this component will measure differences for the following outcomes: time spent in homeless shelters; employment rates; hours and length of employment; amount of earned income; total family income; AFDC, Medicaid, and Food Stamp payments; the incidence of AFDC receipt; exit and recidivism rates for AFDC; and receipt of child care benefits.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable

B) Types of small businesses affected: None

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C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 116
CRISIS ASSISTANCE

Section

116.10 Incorporation By Reference
116.400 Crisis Assistance Programs
116.500 Special Assistance Program
116.510 Emergency Assistance Program
116.520 Hardship Program (Repealed)

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et seq. and 12-13)

SOURCE: Filed and effective December 30, 1977; amended at 4 Ill. Reg. 13, p. 1287, effective March 17, 1980; amended at 5 Ill. Reg. 12722, effective October 28, 1981; codified at 7 Ill. Reg. 5195; emergency amendment at 9 Ill. Reg. 18154, effective November 15, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 11027, effective June 11, 1986; amended at 11 Ill. Reg. 5487, effective March 17, 1987; amended at 12 Ill. Reg. 14207, effective August 30, 1988; amended at 13 Ill. Reg. 3847, effective March 10, 1989; amended at 14 Ill. Reg. 16970, effective September 30, 1990; amended at 15 Ill. Reg. 16719, effective November 1, 1991; emergency amendment at 15 Ill. Reg. 16772, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5350, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13961, effective September 1, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1078, effective January 15, 1993; amended at 17 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 116.500 Special Assistance Program

a) A special assistance payment may be provided in the following situations:

- 1) THE FAMILY IS RENDERED HOMELESS OR IS THREATENED WITH HOMELESSNESS AS A RESULT OF A FIRE, FLOOD OR OTHER NATURAL DISASTER.
- 2) THE FAMILY HAS AN EVICTION OR A COURT ORDER TO VACATE THE PREMISES FOR REASONS OTHER THAN NON-PAYMENT OF RENT.

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Section 116.500(a) (continued)

- 3) A SPOUSE AND CHILD HAVE LEFT THE RESIDENCE OCCUPIED BY A SPOUSE WHO WAS PHYSICALLY ABUSING THE NOW HOMELESS SPOUSE OR CHILD.
 - 4) THE FAMILY IS DEPRIVED OF ESSENTIAL ITEMS OF FURNITURE AND/OR CLOTHING BY FIRE, FLOOD OR OTHER NATURAL DISASTER (Section 4-12 of the Illinois Public Aid, Ill. Rev. Stat. 1991, ch. 23, par. 4-12).
 - 5) The family is deprived of food as a result of fire, flood or other disaster which does not render the family homeless and cannot be met through the food stamp program. Food cannot be authorized for replacement of lost or stolen food stamps.
 - 6) The family is threatened with dissolution of the family unit by economic necessity as evidenced by a decision by the Illinois Department of Children and Family Services (DCFS) that the child will have to be placed in a foster home setting if the economic crisis is not alleviated.
 - 7) The family has non-medical needs related to essential medical care. Non-medical needs for essential medical care are needs associated with the provision of specialized or essential medical care and include the following:
 - A) Food - when overnight lodging is required or when extensive travel is required during the day in order to obtain essential or specialized medical care.
 - B) Lodging - when overnight lodging is required to obtain essential or specialized medical care.
 - C) Transportation to the source of essential or specialized medical care when it cannot be provided by the Medical Assistance Program or some other source. Transportation expenses for routine office visits associated with normal medical care shall not be allowed.
- b) Payment shall be made for the following items when the recipient has demonstrated a need for such an item:
- 1) One month's rent;
 - 2) Food (minus the amount of available food stamps);
 - 3) Essential clothing;

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Section 116.500(b)(3) (continued)

- A) Essential clothing is defined as those articles of clothing appropriate for the season which the recipient would have purchased with the money which is lost or stolen.
 - B) If everyone in the assistance unit has at least one full set of clothing, appropriate to the season, this allowance for clothing will not be authorized.
 - 4) Household supplies;
 - 5) Essential household furnishings; and
 - 6) Non-medical needs related to essential medical care.
- Eligibility for non-medical needs related to essential medical care is determined through the verification of a specialized or essential medical need. The verification of a specialized or essential medical need is provided by the client's doctor.

c) Maximum Payments

1) Shelter Costs (One month's rent)

Group I Counties-\$142.00
Group II Counties-\$123.00
Group III Counties-\$87.00
(See 89 Ill. Adm. Code 113.258 for County Groups)

2) Clothing, Household Supplies

Size Assistance Unit	Clothing	Household Supplies
1	\$34.00	\$11.00
2	\$58.00	\$14.00
3	\$92.00	\$17.00
4	\$117.00	\$17.00
5	\$146.00	\$20.00
6	\$174.00	\$20.00
7	\$204.00	\$22.00
8	\$233.00	\$22.00
9	\$261.00	\$23.00
10	\$291.00	\$24.00

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Section 116.500(c) (continued)

- 3) Food - \$2.00 per person per day until the receipt of the next regular warrant (AFDC recipients) or until receipt of regular source of income or receipt of food stamps (non-AFDC recipients) not to exceed 30 days.
- 4) Household Furnishings
 - A) Kitchen table - \$50.00
one per assistance unit
 - B) Kitchen Chair - \$10.00
one per person in assistance unit
 - C) Beds - to ensure adequate sleeping facilities for all members of the assistance unit.
 - i) Bed frame - \$30.00
 - ii) Single mattress and springs - \$70.00
 - iii) Double mattress and springs - \$100.00
 - iv) Bunk beds (including mattresses and springs) - \$130.00
 - v) Crib (including mattress) - \$65.00
- 5) Non-Medical Needs Related to Essential Medical Care
 - A) Food - \$9.00 a day or \$3.00 per meal.
 - B) Lodging - Lodging expenses shall be approved for the least expensive rate which provides lodging that is adequate and available to meet the individual's needs. Payment will not be provided for a higher amount if it can be determined that lodging is available free of charge or at a lower rate.
 - C) Transportation - When transportation cannot be provided by the Medical Assistance Program, transportation expenses shall be approved for the least expensive mode of transportation adequate to meet the individual's needs. When transportation is by private automobile, the allowable rate shall be at 14¢ per mile.

d) Time Limits

- 1) For families already receiving financial assistance, a decision

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Section 116.500(d)(1) (continued)

on a request for Special Assistance shall be made within five (5) work days of the date of request. Assistance shall be authorized within two (2) work days following the decision.

2) For families not already receiving financial assistance:

A) five (5) work days shall be allowed for the client to provide necessary verifications; and five (5) work days shall be allowed to determine eligibility.

B) Assistance shall be authorized within five (5) work days of a determination of eligibility.

e) Program Restriction

The recipient may only receive special assistance during one period of thirty (30) consecutive days in any twelve (12) consecutive months. This may include payments to meet needs which occur before or extend beyond the thirty (30) day period. However, this provision does not apply to non-medical needs related to essential medical care. Payment for non-medical needs related to essential medical care may be made as often as is necessary regardless of whether the client has received a Special Assistance Payment in the past twelve months. A client may receive a Special Assistance Payment for a reason other than a non-medical need related to essential medical care regardless of whether a Special Assistance Payment for non-medical needs has been made within the past twelve months except for recipients participating in the Homeless Families Support Project. (See Section 170.30).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 116.510 Emergency Assistance Program

Emergency Assistance may be provided in the following situations:

a) Lost or Stolen Cash

When as a result of lost or stolen cash, a family is deprived of food or essential clothing, the following amounts may be authorized:

1) Food, in amounts as specified in Section 116.500(c) and not to exceed the amount of cash which was lost or stolen.

2) Essential clothing, as defined and in amounts as specified in

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Section 116.510(a)(2) (continued)

Section 116.500(b) and (c) and not to exceed the amount of cash which was lost or stolen.

b) Court Ordered Eviction Due to Non-Payment of Rent

When a family is deprived of shelter or threatened with immediate deprivation of shelter due to court order requiring eviction due to non-payment of rent, payment for rent shall, if all eligibility criteria for the Emergency Assistance Program are met, be authorized in an amount not to exceed the following maximums:

Counties	Rent
Group I Counties	\$142.00
Group II Counties	\$123.00
Group III Counties	\$ 87.00

(See 89 Ill. Adm. Code 113.258 for County Groupings)

c) Emergency Shelter

The Department shall reimburse private and public social service agencies with whom the Department has written agreements for emergency shelter and food provided to recipients. Reimbursement shall be made in amounts and in accordance with those agreements.

d) Program Restriction

The recipient may only receive emergency assistance during one period of thirty (30) consecutive days in any twelve (12) consecutive months. This may include payments to meet needs which occur before or extend beyond the thirty (30) day period except for those recipients in the Homeless Families Support Project. (See Section 170.30).

e) Time Limits

- 1) A decision shall be made and assistance authorized within the time frames established in Section 116.500(d).
- 2) Payment shall be made to the private and public social services agencies, within time limits specified in the written agreements.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS1) Heading of the Part:

Illinois Trauma Center Code

2) Code Citation:

77 Ill. Adm. Code 540

3) Section Numbers:Proposed Action:

540.220

New Section

4) Statutory Authority:

Emergency Medical Services (EMS) Systems Act
Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 5501 et seq. as amended by P.A. 87-1229 (effective January 1, 1993) [210 ILCS 50]

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 540 establish requirements for the regulation of trauma centers. These amendments are being proposed to implement P.A. 87-1229 (effective January 1, 1993), which created the Trauma Center Fund. A portion of fines of \$55 or more collected for certain violations of the Illinois Vehicle Code is deposited and allocated for trauma center grant programs administered by the Departments of Public Aid and Public Health. The Department of Public Health is required to distribute a portion of the funds and to implement an accounting system for the distribution.

Section 540.220 is being added to the rules to set forth the distribution formula required by P.A. 87-1229. The Act requires moneys in the fund to be allocated proportionally to each trauma region so that the trauma region receives the moneys collected from within its region for violations of laws or ordinances regulating the movement of traffic. The total amount of funds per trauma region will be based on the moneys received from the counties in that region. At the beginning of each State fiscal year, the Department will calculate a per trauma case allocation for each region, which shall be used to determine each trauma center's share of the funds collected during the previous State fiscal year. Funds will be distributed within 90 days of the next fiscal year. Funds may also be distributed during the fiscal year in which they collected, based on the number of a trauma center's qualifying trauma cases in the current fiscal year multiplied by its region's per trauma case allocation for the previous fiscal year.

These amendments have been developed with input from the Emergency Medical Services Council.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

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The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?Yes X No 7) Does this Rulemaking Contain an Automatic Repeal Date? Yes No XIf "yes," please specify the date: 8) Does this Rulemaking Contain Any Incorporations By Reference?Yes No X9) Are there any other Proposed Amendments Pending on this Part?Yes No X

If Yes:

Section NumbersProposed ActionIll. Reg. Citation10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a state mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:
- A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
- B) Type of Small Businesses Affected:
- Illinois hospitals designated as trauma centers
- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:
- none
- D) Types of Professional Skills Necessary for Compliance:
- professional skills necessary to assess the clients' needs

The proposed text is identical to the emergency amendment appearing in this issue of the Illinois Register on page _____.

- 1) Heading of the Part:
- Intermediate Care for the Developmentally Disabled Facilities Code
- 2) Code Citation:
- 77 Ill. Adm. Code 350
- 3) Section Numbers:
- | | |
|----------|-----------|
| 350.110 | Amendment |
| 350.120 | Amendment |
| 350.140 | Amendment |
| 350.150 | Amendment |
| 350.160 | Amendment |
| 350.282 | Amendment |
| 350.2660 | Amendment |
- Proposed Action:
- 4) Statutory Authority:
- Nursing Home Care Act
(Ill. Rev. Stat. 111 1/2, par. 4151-104 et seq.) [210 ILCS 4151-101 et seq. (1992)]
- 5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 350 govern the licensure of long-term care facilities for persons under age 22. These amendments include changes necessitated by recently enacted legislation and in response to a Recommendation from the Joint Committee on Administrative Rules (JCAR).

Section 350.110 - The rules are being amended in response to a Recommendation issued by JCAR at its June 16, 1992 meeting. The Recommendation requests that the Department amend Section 350.110 to include its policy regarding licensure for more than one level of care, which was inadvertently omitted from a previous rulemaking.

Section 350.120 - This section is amended in response to P.A. 87-1102 (H.B. 3796, effective January 1, 1993), which amended Sections 3-103, 3-110, 3-212, 3-215, and 3-805 of the Nursing Home Care Act to provide for the issuance of two-year licenses. The two-year license includes a \$400 application fee and will be issued to facilities that meet the criteria set forth in Section 3-110 of the Act. The criteria are based on the facility's performance record for the past 24 months. The amendments to Section 350.120 include the addition of new statutory language and provisions for pro-rating fees for facilities that receive two-year licenses.

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Section 350.140 - This Section is also being amended in response to P.A. 87-1102 to state that the licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section 3-110(b) of the Act for the last twenty-four consecutive months.

Section 350.150 - This Section is also being amended to reference the criteria for two-year licensure set forth in Section 3-110(b) of the Act.

Section 350.160 - Also in response to P.A. 87-1102, this Section is being amended to reflect a change in statutory language that deleted reference to a one-year renewal period.

Section 350.282 - This Section is being amended in response to P.A. 87-1056 (S.B. 1965, effective September 11, 1992), which amended the Nursing Home Care Act to permit the Department to assess a fine of not less than \$10,000 when death, serious mental or physical harm, permanent disability, or disfigurement results from a situation in which an "A" violation is issued. The amendments include correction of existing statutory language; addition of new statutory language concerning the assessment of fines; and reference to the criteria set forth in Section 350.286(a) of the rules, which are used by the Department to determine the amount of the fine.

Section 350.2660 - The amendment to this Section deletes an incorrect cross-reference in subsection (g)(3). The rule currently references Section 350.2730, which concerns plumbing systems and does not add any specific information about sinks and sanitizers.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in evaluating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes No X

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes No X

If "yes," please specify the date:

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes No X

If "yes," please specify type: 6.02(a) or 6.02(b)

9) Are there any other Proposed Amendments Pending on this Part?

Yes X No

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
350.1235	New Section	16 Ill. Reg. 15044
350.640	Amendment	16 Ill. Reg. 17500
350.175	Amendments	17 Ill. Reg. 1269
350.180	Amendments	17 Ill. Reg. 1269
350.270	Amendments	17 Ill. Reg. 1269
350.640	Amendments	17 Ill. Reg. 1269
350.680	Amendments	17 Ill. Reg. 1269
350.685	Amendments	17 Ill. Reg. 1269
350.3210	Amendments	17 Ill. Reg. 1269
350.3330	Amendments	17 Ill. Reg. 1269
350. Appendix A	Repealer	17 Ill. Reg. 1269

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

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intermediate care facilities for the developmentally disabled

C Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	License
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse License Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
EMERGENCY	
350.270	Monitor and Receivership
350.271	Presentation of Findings
EMERGENCY	
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
EMERGENCY	
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties

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Quarterly List of Violators

350.290

EMERGENCY

350.300 Alcoholism Treatment Programs In Long-Term Care Facilities

350.310 Department May Survey Facilities Formerly Licensed

350.320 Waivers

350.330 Definitions

EMERGENCY

350.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

350.510 Administrator

SUBPART C: POLICIES

350.610 Management Policies

350.620 Resident Care Policies

350.630 Admission and Discharge Policies

350.640 Contract Between Resident and Facility

350.650 Residents' Advisory Council

350.660 General Policies

350.670 Initial Health Evaluation for Employees

350.675 Developmental Disabilities Aides

350.680 Student Interns

350.685 Disaster Preparedness

350.690 Serious Incidents and Accidents

350.700

SUBPART D: PERSONNEL

350.810 Personnel

350.820 Consultation Services

350.830 Personnel Policies

SUBPART E: RESIDENT LIVING SERVICES

350.1010 Service Programs

350.1020 Psychological Services

350.1030 Social Services

350.1040 Speech Pathology and Audiology Services

350.1050 Recreational and Activities Services

350.1060 Training and Habilitation Services

350.1070 Training and Habilitation Staff

SUBPART F: HEALTH SERVICES

Health Services

350.1210

Physician Services

350.1220

Tuberculin Skin Test Procedures

350.1225

Nursing Services

350.1230

Dental Services

350.1240

Physical and Occupational Therapy Services

350.1250

SUBPART G: MEDICATIONS

Medication Policies and Procedures

350.1410

Conformance with Physician's Orders

350.1420

Administration of Medication

350.1430

Labeling and Storage

350.1440

Control of Narcotics and Legend Drugs

350.1450

SUBPART H: RESIDENT AND FACILITY RECORDS

Resident Record Requirements

350.1610

Content of Medical Records

350.1620

Confidentiality of Resident's Records

350.1630

Records Pertaining to Residents' Property

350.1640

Retention and Transfer of Resident Records

350.1650

Other Resident Record Requirements

350.1660

Staff Responsibility for Medical Records

350.1670

Retention of Facility Records

350.1680

Other Facility Record Requirements

350.1690

SUBPART I: FOOD SERVICE

Director of Food Services

350.1810

Dietary Staff in Addition to Director of Food Services

350.1820

Hygiene of Dietary Staff

350.1830

Diet Orders

350.1840

Adequacy of Diet and Meal Pattern

350.1850

Therapeutic Diets

350.1860

Scheduling Meals

350.1870

Menu Planning

350.1880

Food Preparation and Service

350.1890

Food Handling Sanitation

350.1900

Kitchen Equipment, Utensils, and Supplies

350.1910

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SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

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Maintenance
Housekeeping
Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

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Furnishings
Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

350.2410
350.2420
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350.2440

Codes
Water Supply
Sewage Disposal
Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

350.2610
350.2620
350.2630
350.2640
350.2650
350.2660
350.2670
350.2680
350.2690
350.2700
350.2710
350.2720
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350.2740

Applicability of These Standards
Codes and Standards
Preparation of Drawings and Specifications
Site
Administration and Public Areas
Nursing Unit
Dining, Living, Activities Rooms
Therapy and Personal Care
Service Departments
General Building Requirements
Structural
Mechanical Systems
Plumbing Systems
Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

350.2910
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Applicability
Codes and Standards
Preparation of Drawings and Specifications
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Administration and Public Areas
Nursing Unit
Living, Dining, Activities Rooms
Treatment and Personal Care
Service Departments
General Building Requirements
Structural
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SUBPART O: RESIDENT'S RIGHTS

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350.3260
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350.3290
350.3300
350.3310
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350.3330

General
Medical and Personal Care Program
Restraints
Abuse and Neglect
Communication and Visitation
Resident's Funds
Residents' Advisory Council
Contract With Facility
Private Right of Action
Transfer or Discharge
Complaint Procedures
Confidentiality
Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

350.3710
350.3720
350.3730
350.3740
350.3750
350.3760
350.3770
350.3780
350.3790
350.3800
350.3810
350.3820
350.3830

Applicability of Other Provisions of this Part
Administration
Admission and Discharge Policies
Personnel
Consultation Services and Nursing Services
Medication Policies
Food Services
Codes and Standards
Administration and Public Areas
Bedrooms
Nurses Station
Bath and Toilet Rooms
Utility Rooms

111 1/2, par. 4151-101 et seq.) [210 ILCS 45/1-101 et seq. (1992)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 7978, effective May 6, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

- Section 350.110 General Requirements
- a) This Part applies to the operator/licensee of facilities, or distinct parts thereof, that are to be licensed and classified to provide intermediate care for persons with developmental disabilities. Any license issued and in effect prior to March 1, 1980, pursuant to the Nursing Homes, sheltered care homes, and homes for the aged Act (Ill. Rev. Stat. 1977, ch. 111 1/2, par. 35.16 et seq.) shall remain valid and subject to the terms and conditions of the Nursing Home Care Act (the Act) (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 45/1-101 (1992)] and all regulations promulgated thereunder until the expiration date shown on the face of such license.
- b) The license issued to each operator/licensee shall designate the licensee's name, facility name, address, the classification by level of service authorized for that facility, the

- Living, Dining, Activity Rooms
Therapy and Personal Care
Kitchen
Laundry Room
General Building Requirements
Corridors
Special Care Room
Exit Facilities and Subdivision of Floor Areas
Stairways, Vertical Openings and Doorways
Hazardous Areas and Combustible Storage
Mechanical Systems
Heating, Cooling, and Ventilating Systems
Plumbing Systems
Electrical Systems
Fire Alarm and Detection System
Emergency Electrical System
Fire Protection
Construction Types
Equivalencies
New Construction Requirements
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350.3860
350.3870
350.3880
350.3890
350.3900
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350.3950
350.3960
350.3970
350.3980
350.3990
350.4000
350.4010
350.4020
350.4030
- SUBPART Q: DAY CARE PROGRAMS
- Day Care in Long-Term Care Facilities
- 350.4210
- 350.APPENDIX A Classification of Distinct Part of a Facility for Different Levels of Service
350.APPENDIX B Federal Requirements Regarding Residents' Rights
350.APPENDIX C Seismic Zone Map
350.APPENDIX D Forms for Day Care in Long-Term Care Facilities
350.TABLE A Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE B Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE C Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
350.TABLE D Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled at Sixteen (16) Beds or Less
350.TABLE E Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
350.TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature.

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch.

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number of beds authorized for each level, the date the license was issued and the expiration date. Such licenses shall be issued for a period of NOT LESS THAN SIX MONTHS NOR MORE THAN 18 MONTHS. The Department will set the period of the license based on the license expiration dates of the facilities in the geographical area surrounding the facility IN ORDER TO DISTRIBUTE THE EXPIRATION DATES as evenly as possible THROUGHOUT THE CALENDAR YEAR. (Section 3-110 of the Act)

- c) An applicant may request that the license issued by the Department of Public Health (the Department) have distinct parts classified according to levels of services. The distinct part must satisfactorily meet the applicable physical plant standards based on a level of service classification sought for that distinct part. If necessary to protect the health, welfare and safety of residents in a distinct part requiring higher standards, the Department shall require compliance with whatever additional physical plant standards are necessary in any distinct part, to achieve this protection as required by the highest level of care being licensed. Administrative, supervisory, and other personnel may be shared by the entire facility, if so doing does not adversely affect meeting the total needs of the residents of the facility.

- d) THE OPERATOR MAY NOT ADMIT RESIDENTS IN EXCESS OF THE LICENSED CAPACITY OF THE FACILITY. (Section 2-209 of the Act) (B)

- e) An intermediate care facility licensed and classified under the Act shall not use in its title or description "Hospital", "Sanitarium", "Sanatorium", "Rehabilitation Center", "Skilled Nursing Facility", or any other word or description in its title or advertisements which indicates that a type of service is provided by the facility which the facility is not licensed to provide or, in fact, does not provide.

- f) ANY PERSON CONSTRUCTING OR MODIFYING A LONG-TERM CARE FACILITY OR PORTION THEREOF WITHOUT OBTAINING THE A REQUIRED PERMIT FROM THE HEALTH FACILITIES PLANNING BOARD from the Health Facilities Planning Board SHALL NOT BE ELIGIBLE TO APPLY FOR LICENSE FOR licensure for THAT FACILITY OR PORTION THEREOF. (Section 13.1 of the Illinois Health Facilities Planning Act, ~~Ill. Rev. Stat. 1989, ch. 111 1/2, par. 14(3.1)~~ [20 ILCS 3960/13.1 (1992)].

- g) THE LICENSEE SHALL GIVE 90 DAYS NOTICE PRIOR TO VOLUNTARILY CLOSING A FACILITY OR CLOSING ANY PART OF A FACILITY. OR PRIOR TO CLOSING ANY PART OF A FACILITY IF CLOSING SUCH PART WILL REQUIRE THE TRANSFER OR DISCHARGE ~~OR~~ OF MORE THAN TEN PERCENT OF THE RESIDENTS. SUCH NOTICE SHALL BE GIVEN TO THE DEPARTMENT, TO ANY RESIDENTS WHO MUST BE TRANSFERRED OR DISCHARGED, TO THE RESIDENT'S REPRESENTATIVE, AND TO A MEMBER

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~~OR~~ OF THE RESIDENT'S FAMILY, WHERE PRACTICABLE. NOTICE SHALL STATE THE PROPOSED DATE OF CLOSING AND THE REASON FOR CLOSING. THE LICENSEE SHALL OFFER TO ASSIST THE RESIDENT IN SECURING AN ALTERNATIVE PLACEMENT AND SHALL ADVISE THE RESIDENT ON AVAILABLE ALTERNATIVES. WHERE THE RESIDENT IS UNABLE TO CHOOSE AN ALTERNATE PLACEMENT AND IS NOT UNDER GUARDIANSHIP, THE DEPARTMENT SHALL BE NOTIFIED OF THE NEED FOR RELOCATION ASSISTANCE. THE FACILITY SHALL COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS UNTIL THE DATE OF CLOSING, INCLUDING THOSE RELATED TO TRANSFER OR DISCHARGE OF RESIDENTS. THE DEPARTMENT MAY PLACE A RELOCATION TEAM IN THE FACILITY AS PROVIDED UNDER THE ACT. (Section 3-423 of the Act) (A, B)

- h) Licensure for more than one level of care.

- 1) A facility may be licensed for more than one level of care. The licensee must designate the level of care that will be provided in each bedroom. Bedrooms of like licensed level of care must be contiguous to each other within each "nursing unit" as defined in Section 350.330. Each nursing unit may have up to two levels of care and must meet the construction standards for the highest licensed level of care in the nursing unit.

- 2) If a licensee wishes to designate a portion of its licensed beds as Long-Term Care for Under Age 22, the licensed beds must be located in a distinct part (as defined in Section 350.330) of the facility.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 350.120 Application for License

- a) Any person acting individually or jointly with other persons who proposes to build, own, establish, or operate an intermediate care facility or skilled nursing facility shall submit application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should be licensed. Application forms and other required information shall be submitted and approved prior to surveys of the physical plan or review of building plans and specifications.

- b) An application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act (~~Ill. Rev. Stat. 1989, ch. 111 1/2, par. 14(1) et seq.~~) [20 ILCS 3960/1 et seq. (1992)].

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facility is sold, or leased; or when operation is discontinued; or when operation is moved to a new location; or when the licensee (if an individual) dies; or when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be.

- 2) A license issued to a corporation shall become null, void and of no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases.

f) EACH INITIAL APPLICATION SHALL BE ACCOMPANIED BY A FINANCIAL STATEMENT SETTING FORTH THE FINANCIAL CONDITION OF THE APPLICANT AND BY A STATEMENT FROM THE UNIT OF LOCAL GOVERNMENT HAVING ZONING JURISDICTION OVER THE FACILITY'S LOCATION STATING THAT THE LOCATION OF THE FACILITY IS NOT IN VIOLATION OF A ZONING ORDINANCE. AN INITIAL APPLICATION FOR A NEW FACILITY SHALL BE ACCOMPANIED BY A PERMIT AS REQUIRED BY THE ILLINOIS HEALTH FACILITIES PLANNING ACT. AFTER THE APPLICATION IS APPROVED, THE APPLICANT SHALL ADVISE THE DEPARTMENT EVERY SIX MONTHS OF ANY CHANGES IN THE INFORMATION ORIGINALLY PROVIDED IN THE APPLICATION. (Section 3-103(3) of the Act)

g) The Department MAY ISSUE LICENSES OR RENEWALS FOR PERIODS OF NOT LESS THAN SIX (6) MONTHS NOR MORE THAN EIGHTEEN (18) MONTHS FOR FACILITIES WITH ANNUAL LICENSES AND NOT LESS THAN 18 MONTHS NOR MORE THAN 30 MONTHS FOR FACILITIES WITH 2-YEAR LICENSES IN ORDER FOR THE DEPARTMENT TO DISTRIBUTE THE EXPIRATION DATES OF ALL SUCH LICENSES THROUGHOUT THE CALENDAR YEAR. THE FEES FOR THESE SUCH LICENSES ARE SHALL BE PRO-RATED ON THE BASIS OF THE PORTION OF THE YEAR FOR WHICH THEY ARE ISSUED. (Section 3-110 of the Act) The prorated fee will be as follows:

- 1) Six (6) months to less than twelve (12) months - \$150.00;
- 2) Twelve (12) months to eighteen (18) months - \$200.00;
- 3) Nineteen (19) months to less than twenty-four (24) months - \$350.00;
- 4) Twenty-four (24) months to thirty (30) months - \$400.00.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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c) APPLICATION for a license to establish or OPERATE an intermediate care facility or skilled nursing FACILITY SHALL BE MADE in writing and submitted, with other such information as the Department may require, ON FORMS provided by the Department. (Section 3-103(1) of the Act)

d) ALL APPLICATIONS, EXCEPT THOSE OF HOMES FOR THE AGED, SHALL BE ACCOMPANIED BY AN APPLICATION FEE OF 200 DOLLARS FOR AN ANNUAL LICENSE AND \$400 FOR A 2 YEAR LICENSE. THE APPLICATION SHALL BE UNDER OATH AND THE SUBMISSION OF FALSE OR MISLEADING INFORMATION SHALL BE A CLASS A MISDEMEANOR. THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:

- 1) THE NAME AND ADDRESS OF THE APPLICANT IF AN INDIVIDUAL, AND IF A FIRM, PARTNERSHIP, OR ASSOCIATION, OF EVERY MEMBER THEREOF, AND IN THE CASE OF A CORPORATION, THE NAME AND ADDRESS THEREOF AND OF ITS OFFICERS AND ITS REGISTERED AGENT, AND IN THE CASE OF A UNIT OF LOCAL GOVERNMENT, THE NAME AND ADDRESS OF ITS CHIEF EXECUTIVE OFFICER;
- 2) THE NAME AND LOCATION OF THE FACILITY FOR WHICH A LICENSE IS SOUGHT;
- 3) THE NAME OF THE PERSON OR PERSONS UNDER WHOSE MANAGEMENT OR SUPERVISION THE FACILITY WILL BE CONDUCTED;
- 4) THE NUMBER AND TYPE OF RESIDENTS FOR WHICH MAINTENANCE, PERSONAL CARE, OR NURSING IS TO BE PROVIDED; AND
- 5) SUCH INFORMATION RELATING TO THE NUMBER, EXPERIENCE, AND TRAINING OF THE EMPLOYEES OF THE FACILITY, ANY MANAGEMENT AGREEMENTS FOR THE OPERATION OF THE FACILITY, AND OF THE MORAL CHARACTER OF THE APPLICANT AND EMPLOYEES AS THE DEPARTMENT MAY DEEM NECESSARY. (Section 3-103(2) of the Act)

e) Ownership Change or Discontinuation

- 1) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when the

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Section 350.140

Issuance of an Initial License for a New Facility

- a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE AND INSPECTION OF THE APPLICANT FACILITY, THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:

- 1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE YEARS;
- 2) THE FACILITY IS UNDER THE SUPERVISION OF AN ADMINISTRATOR WHO IS LICENSED UNDER THE NURSING HOME ADMINISTRATORS LICENSING AND DISCIPLINARY ACT (41c-Rev-Stat-1991, ch. 111, par. 3651 et seq.) [225 ILCS 70/1 (1992)]; AND
- 3) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ACT AND THIS PART. (Section 3-109 of the Act)

- b) The Department will issue a probationary license for 120 days from date of issuance.

- c) WITHIN 30 DAYS PRIOR TO THE TERMINATION OF A PROBATIONARY LICENSE, THE DEPARTMENT SHALL FULLY AND COMPLETELY INSPECT THE FACILITY AND, IF THE FACILITY MEETS THE APPLICABLE REQUIREMENTS FOR LICENSURE, SHALL ISSUE A LICENSE UNDER SECTION 3-109 OF THE ACT. (Section 3-116 of the Act) If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire.

- d) IF THE DEPARTMENT FINDS THAT THE FACILITY DOES NOT MEET THE REQUIREMENTS FOR LICENSURE BUT HAS MADE SUBSTANTIAL PROGRESS TOWARD MEETING THOSE REQUIREMENTS, THE LICENSE MAY BE RENEWED ONCE FOR A PERIOD NOT TO EXCEED 120 DAYS FROM THE EXPIRATION DATE OF THE INITIAL PROBATIONARY LICENSE. (Section 3-116 of the Act) Under no condition may more than two successive probationary licenses be issued.

- e) ~~Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of approval by the Department.~~ The licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section

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3-110(b) of the Act for the last twenty-four consecutive months.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 350.150 Issuance of an Initial License Due to a Change of Ownership

- a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:
- 1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR TO PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE YEARS;
 - 2) THE FACILITY IS UNDER THE SUPERVISION OF AN ADMINISTRATOR WHO IS LICENSED UNDER THE NURSING HOME ADMINISTRATORS LICENSING AND DISCIPLINARY ACT; AND
 - 3) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ACT AND THIS PART. (Section 3-109 of the Act)
- b) WHENEVER OWNERSHIP OF A FACILITY IS TRANSFERRED FROM THE PERSON NAMED IN A LICENSE TO ANY OTHER PERSON, THE TRANSFEREE MUST OBTAIN A NEW PROBATIONARY LICENSE. THE TRANSFEREE SHALL NOTIFY THE DEPARTMENT OF THE TRANSFER AND APPLY FOR A NEW LICENSE AT LEAST 30 DAYS PRIOR TO FINAL TRANSFER. (Section 3-112 of the Act)
- c) THE TRANSFEROR SHALL NOTIFY THE DEPARTMENT AT LEAST 30 DAYS PRIOR TO FINAL TRANSFER. THE TRANSFEROR SHALL REMAIN RESPONSIBLE FOR THE OPERATION OF THE FACILITY UNTIL SUCH TIME AS THE LICENSE IS ISSUED TO THE NEW TRANSFEREE. (Section 3-112 of the Act)
- d) THE LICENSE GRANTED TO THE TRANSFEREE SHALL BE SUBJECT TO ANY PLAN OF CORRECTION SUBMITTED BY THE PREVIOUS OWNER AND APPROVED BY THE DEPARTMENT AND ANY CONDITIONS CONTAINED IN A CONDITIONAL LICENSE ISSUED TO THE PREVIOUS OWNER. IF THERE ARE OUTSTANDING VIOLATIONS AND NO PLAN OF CORRECTION HAS BEEN SUBMITTED BY THE FACILITY AND APPROVED BY THE

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DEPARTMENT, THE DEPARTMENT MAY ISSUE A CONDITIONAL LICENSE AND PLAN OF CORRECTION AS PROVIDED IN SECTIONS 3-311 THROUGH 3-317 OF THE ACT IN PLACE OF A PROBATIONARY LICENSE. (Section 3-113 of the Act)

e) THE TRANSFEROR SHALL REMAIN LIABLE FOR ALL PENALTIES ASSESSED AGAINST THE FACILITY WHICH ARE IMPOSED FOR VIOLATIONS OCCURRING PRIOR TO TRANSFER OR OWNERSHIP. (Section 3-114 of the Act)

f) The Department will issue a probationary license for 120 days from date of issuance.

g) WITHIN 30 DAYS PRIOR TO THE TERMINATION OF PROBATIONARY LICENSE, THE DEPARTMENT SHALL FULLY AND COMPLETELY INSPECT THE FACILITY AND, IF THE FACILITY MEETS THE APPLICABLE REQUIREMENTS FOR LICENSE, SHALL ISSUE A LICENSE UNDER SECTION 3-109 OF THE ACT. (Section 3-116 of the Act) If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire.

h) IF THE DEPARTMENT FINDS THAT THE FACILITY DOES NOT MEET THE REQUIREMENTS FOR LICENSE BUT HAS MADE SUBSTANTIAL PROGRESS TOWARD MEETING THOSE REQUIREMENTS, THE LICENSE MAY BE RENEWED ONCE FOR A PERIOD NOT TO EXCEED 120 DAYS FROM THE EXPIRATION DATE OF THE INITIAL PROBATIONARY LICENSE. (Section 3-116 of the Act) Under no condition may more than two successive probationary licenses be issued.

i) The issuance date of the probationary license to the new owner will be the date the last licensure requirement is met as determined by the Department. ~~Prior to actual receipt by the operator of the license certificate, the operator may begin upon receipt of approval by the Department.~~

j) The licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section 3-110 (b) of the Act for the last twenty-four consecutive months.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 350.160 Issuance of a Renewal License

AT LEAST 120 DAYS, BUT NOT MORE THAN 150 DAYS, PRIOR TO LICENSE EXPIRATION, THE LICENSEE SHALL SUBMIT AN APPLICATION FOR RENEWAL OF THE LICENSE IN SUCH FORM AND CONTAINING SUCH INFORMATION AS THE DEPARTMENT REQUIRES.

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IF THE APPLICATION IS APPROVED, AND THE FACILITY IS IN COMPLIANCE WITH ALL OTHER LICENSE REQUIREMENTS, THE LICENSE SHALL BE RENEWED ~~FOR AN ADDITIONAL ONE YEAR PERIOD.~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 350.282 Conditions for Assessment of Penalties

The Department shall consider the assessment of a monetary penalty against a facility under the following conditions:

a) When a notice of violation for a level A violation is issued.

1) The penalty to be assessed for this violation shall be the greater of the following:

A) An amount NOT LESS THAN \$5,000 as determined by the Director or his designee-considering the factors outlined in Section 350.286(a), or

B) The total of the following:

i) \$5 PER RESIDENT IN THE FACILITY, PLUS

ii)

\$20 PER RESIDENT FOR EACH DAY OF THE VIOLATION, COMMENCING ON THE DAY ON WHICH THE NOTICE OF VIOLATION IS SERVED UNDER SECTION 3-301 of the Act AND ENDING ON THE DATE THE VIOLATION IS CORRECTED RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED. (Section 3-305(i) of the Act), or

C)

WHEN DEATH, SERIOUS MENTAL OR PHYSICAL HARM, PERMANENT DISABILITY, OR DISFIGUREMENT RESULTS, A FINE OF NOT LESS THAN \$10,000 as determined by the Director or his designee considering the factors outlined in Section 350.286(a). (Section 3-305(i) of the Act)

2) The facility shall also be issued a conditional license for a period of six months as provided in Section 300.260.

b) When a facility fails to abate or eliminate a level A violation immediately or within

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the period set by the Department in the notice of violation pursuant to Section 350.276(a)(4)(A).

- 1) The facility shall be cited for a repeat violation.
 - 2) The penalty to be assessed shall be three times the penalty computed under subsection (a)(1) of this Section.
 - 3) The license of the facility shall be revoked as provided in Section 300.180.
- c) When a notice of violation for a level B violation is issued.

1) The penalty to be assessed for this violation shall be the greater of the following:

A) An amount NOT LESS THAN \$500 as determined by the Director or his designee considering the factors outlined in Section 350.286(a), or

B) The total of the following:

- i) \$3 PER RESIDENT IN THE FACILITY, PLUS
- ii) \$.15 PER RESIDENT FOR EACH DAY OF THE VIOLATION, COMMENCING ON THE DAY DATE ON WHICH THE A NOTICE OF VIOLATION IS SERVED UNDER SECTION 3-301 of the Act AND ENDING ON THE DATE THE VIOLATION IS CORRECTED RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED. (Section 3-305(2) of the Act)

2) Upon acceptance of a plan of correction by the Department, assessment of the penalty shall be suspended by the Department. No additional penalty shall be imposed for days during which the plan of correction is in effect.

d) When a facility fails to correct a level B violation within the time period specified in the plan of correction approved by the Department.

- 1) The facility shall be cited for a repeat violation.
- 2) The penalty to be assessed shall be computed in accordance with subsection (c)(1) of this Section. Days during which the plan of correction was in effect shall be included in the calculation of the penalty.

3) The facility shall also be issued a conditional license for a period of at least six months as provided in Section 350.260.

e) WHEN A NOTICE OF VIOLATION IS ISSUED FOR A VIOLATION OF ARTICLE II OF THE ACT WITH REGARD TO THE RIGHTS OF A PARTICULAR RESIDENT OF THE FACILITY, THE DEPARTMENT SHALL ORDER THE FACILITY TO REIMBURSE THE RESIDENTS FOR ANY INJURIES INCURRED OR IF THE AMOUNT OF THE INJURIES IS LESS THAN \$100, THE DEPARTMENT SHALL ORDER THE FACILITY TO PAY \$100 TO THE RESIDENT. (Section 3-305(7) of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 350.2660 Nursing Unit

a) The number of resident beds in a nursing unit shall not exceed 75 beds. Not less than 60 percent of the resident beds shall be in bedrooms with one or two beds.

b) General Requirements for Bedrooms

- 1) Resident bedrooms shall have an entrance directly off a corridor with an entrance door which swings into the room.
 - 2) Resident bedrooms shall have adequate and satisfactory artificial light and be equipped in accordance with Section 350.2740(c) and (d).
 - 3) Residents shall have access to a toilet room without entering the general corridor area.
 - 4) The facility shall ~~P~~provide a closet or wardrobe of at least six square feet for each resident.
 - 5) Residents bedroom floors shall be at or above grade level.
 - 6) Each room used as a resident bedroom shall have at least one outside window, and a total window area to the outside equal to at least one-tenth the floor area of the room.
 - 7) No resident bedroom shall be located more than 120 feet from the nurses' station, clean utility room, and soiled utility room.
- c) Resident Bedrooms

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- 1) Single resident bedrooms shall contain at least 100 square feet. Multiple resident bedrooms shall contain at least 80 square feet per bed. Minimum usable floor area shall be exclusive of toilet rooms, closets, lockers, wardrobes, alcoves, vestibules, or clearly definable entryways.
 - 2) Multiple resident bedrooms shall not have more than four beds nor more than three beds deep from an outside wall. All beds shall have a minimum clearance of three feet at the foot and sides of the bed.
- d) Special Care Room
- 1) The facility shall provide a special care room for each 150 beds.
 - 2) Provide this room shall be provided with a private toilet room containing water closet, lavatory, bathtub or shower and all other necessary facilities to meet the resident's needs.
 - 3) This room shall be located to allow direct visual supervision from the nurses' station.
 - 4) This room shall be included in the authorized maximum bed capacity for the facility. It is permissible for the room to be occupied by a resident, not in need of special care, provided the resident is clearly informed and understands he or she will be immediately transferred out of the room any time of day or night, whenever the room is needed to care for a resident requiring special care.
- e) Nurses' Station
- 1) The facility shall provide a minimum of one station per floor with direct access to the corridor for each nursing unit. The location of this station shall allow visual control of each resident room served without the use of mirrors. Separation shall be provided from the utility rooms. (B)
 - 2) The Nurses' station shall provide space for charting and storage for administrative supplies. (B)
 - 3) A lounge with toilet room shall be provided near each station for nursing staff. Lockers for safekeeping of coats and personal effects may be provided within this space or in a convenient central location. (B)
- f) Bath and Toilet Rooms

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- 1) The resident bedroom toilet room shall serve no more than two resident rooms nor more than eight beds. The toilet room shall contain a water closet and a lavatory. The lavatory may be omitted from the toilet room when the resident room contains a lavatory.
 - 2) The facility shall provide one wheelchair resident toilet room for each sex residing in a nursing unit. The room shall be accessible from the corridor. This room shall contain a water closet and lavatory.
 - 3) A special wheelchair resident toilet room is not required when all resident toilet rooms can accommodate wheelchair residents.
 - 4) The facility shall provide one training toilet room on each nursing floor, ~~that~~ which is accessible from the corridor. ~~Provide~~ Three-foot clearance at the front and both sides of the water closet shall be provided. This room shall contain a lavatory accessible for wheelchair use.
 - 5) The facility shall provide one bathtub or shower for ten resident beds per nursing unit which are not served by bathing or showering facilities in resident rooms.
 - 6) All shower stalls for residents not needing assistance shall be at least three feet square and shall have no curb.
 - 7) The facility shall provide at least one bathtub for assisted bathing per nursing unit. There shall be a clear area at least three feet wide at both sides and one end of the tub.
 - 8) The facility shall provide at least one shower stall for assisted showering per nursing unit. The shower stall shall be at least four feet square with no curb.
 - 9) The facility shall provide a toilet room with a water closet and lavatory, accessible to the assisted bathtub and shower without entering the general corridor. This room may be arranged to serve as the training toilet facility.
 - 10) Grouped bathing and toilet facilities shall be partitioned or curtained for privacy.
- g) Utility Rooms
- 1) The ~~C~~lean utility room shall have direct access to a corridor, or access may be through the nurses' station entrance. This room shall contain work counters, single or double compartment sink with integral drainboard, storage

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cabinets, and an autoclave. (Autoclave may be waived in lieu of other methods if sterilization is approved by Department.)

- 2) A ~~c~~lean linen storage room or closet within the clean utility room shall be provided. If a closed cart system is used, storage may be in an alcove.
- 3) The ~~s~~oiled utility room shall have direct access to a corridor. This room shall contain work counters, double compartment sink with integral drainboard, storage cabinets, a clinical rim flush sink, and sanitizer (~~See Section 350.2730 (e)~~).
- 4) The charging room for a linen chute shall be large enough to unload the collecting cart with the door closed.
- h) A ~~M~~edicine station shall be provided for convenient and prompt 24 hour distribution of medicine to residents. The medicine station shall be under the nursing staff's visual control and contain a work counter, refrigerator, and locked storage for biologicals and drugs. A sink ~~Provision~~ for handwashing and preparation of medication ~~purposes~~ shall be provided in the medication station.
- i) A ~~N~~ourishment station shall be provided with a handwashing sink and equipment, including refrigerator, and storage cabinets for serving nourishment between scheduled meals. Ice for residents' use shall be provided only by icemaker dispenser units.
- j) A ~~R~~oom for examination and treatment of residents shall be provided and shall have a minimum floor area of 100 square feet, excluding space for vestibule, closets and work counters (whether fixed or movable). The minimum room dimension shall be ten feet. The room shall contain a lavatory or sink equipped for handwashing; a work counter; storage facilities; and a desk, counter, or shelf space for writing.
- k) Equipment storage rooms shall be provided for storage of equipment such as I.V. stands, inhalators, air mattresses, walkers, and wheelchairs.
- l) Parking space for wheelchairs shall be provided and located out of path of normal traffic.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Long-Term Care for Under Age 22 Facilities Code

2) Code Citation:

77 Ill. Adm. Code 390

3) Section Numbers:

390.110
390.120
390.140
390.150
390.160
390.282
390.2660

Proposed Action:

Amendment
Amendment
Amendment
Amendment
Amendment
Amendment

4) Statutory Authority:

Nursing Home Care Act

(Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 4151-101 et seq. (1992)]

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 390 govern the licensure of long-term care facilities for persons under age 22. These amendments include changes necessitated by recently enacted legislation and in response to a Recommendation from the Joint Committee on Administrative Rules (JCAR).

Section 390.110 - The rules are being amended in response to a Recommendation issued by JCAR at its June 16, 1992 meeting. The Recommendation requests that the Department amend Section 390.110 to include its policy regarding licensure for more than one level of care, which was inadvertently omitted from a previous rulemaking.

Section 390.120 - This section is amended in response to P.A. 87-1102 (H.B. 3796, effective January 1, 1993), which amended Sections 3-103, 3-110, 3-212, 3-215, and 3-805 of the Nursing Home Care Act to provide for the issuance of two-year licenses. The two-year license includes a \$400 application fee and will be issued to facilities that meet the criteria set forth in Section 3-110 of the Act. The criteria are based on the facility's performance record for the past 24 months. The amendments to Section 390.120 include the addition of new statutory language and provisions for pro-rating fees for facilities that receive two-year licenses.

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9) Are there any other Proposed Amendments Pending on this Part?

Yes X No

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
390.1025	New Section	16 Ill. Reg. 16520
390.640	Amendment	16 Ill. Reg. 17515
390.175	Amendment	17 Ill. Reg. 1296
390.180	Amendment	17 Ill. Reg. 1296
390.270	Amendment	17 Ill. Reg. 1296
390.640	Amendment	17 Ill. Reg. 1296
390.680	Amendment	17 Ill. Reg. 1296
390.685	Amendment	17 Ill. Reg. 1296
390.3210	Amendment	17 Ill. Reg. 1296
390.3330	Amendment	17 Ill. Reg. 1296

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

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Section 390.140 - This Section is also being amended in response to P.A. 87-1102 to state that the licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section 3-110(b) of the Act for the last twenty-four consecutive months.

Section 390.150 - This Section is also being amended to reference the criteria for two-year licensure set forth in Section 3-110(b) of the Act.

Section 390.160 - Also in response to P.A. 87-1102, this Section is being amended to reflect a change in statutory language that deleted reference to a one-year renewal period.

Section 390.282 - This Section is being amended in response to P.A. 87-1056 (S.B. 1965, effective September 11, 1992), which amended the Nursing Home Care Act to permit the Department to assess a fine of not less than \$10,000 when death, serious mental or physical harm, permanent disability, or disfigurement results from a situation in which an "A" violation is issued. The amendments include correction of existing statutory language; addition of new statutory language concerning the assessment of fines; and reference to the criteria set forth in Section 390.28(a) of the rules, which are used by the Department to determine the amount of the fine.

Section 390.2660 - The amendment to this Section changes an incorrect cross-reference in subsection (g)(3). The rule currently references Section 390.2730, which concerns plumbing systems and would require facilities to have a 3-compartment sink with one bowl of 14 inches or deeper in the soiled utility room. Such sinks may cost \$3000 and are unnecessary in a soiled utility room, where a standard three-compartment sink would be sufficient. In addition, some grammatical and format changes have been made in Section 390.2660.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in evaluating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes No X

7) Does this Rulemaking Contain an Automatic Repeat Date? Yes No X

If "yes," please specify the date:

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes No X

If "yes," please specify type: 6.02(a) or 6.02(b)

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE
SUBPART A: GENERAL PROVISIONS

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

long-term care for persons under age 22.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

None.

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390. APPENDIX A Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age

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remain valid and subject to the terms and conditions of the Nursing Home Care Act (the Act) (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq. as amended by Public Act 96-969, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988) (210 ILCS 45/1-101 et seq. (1992)) and all regulations promulgated thereunder until the expiration date shown on the face of such license.

- b) The license issued to each operator/licensee shall designate the licensee's name, facility name, address, the classification by level of service authorized for that facility, the number of beds authorized for each level, the date the license was issued and the expiration date. Such licenses shall be issued for a period of NOT LESS THAN SIX MONTHS NOR MORE THAN 18 MONTHS. The Department will set the period of the license based on the license expiration dates of the facilities in the geographical area surrounding the facility IN ORDER TO DISTRIBUTE THE EXPIRATION DATES as evenly as possible THROUGHOUT THE CALENDAR YEAR. (Section 3-110 of the Act)
- c) An applicant may request that the license issued by the Department of Public Health (the Department) have distinct parts classified according to levels of services. The distinct part must satisfactorily meet the applicable physical plant standards based on a level of service classification sought for that distinct part. If necessary to protect the health, welfare and safety of residents in a distinct part requiring higher standards, the Department shall require compliance with whatever additional physical plant standards are necessary in any distinct part, to achieve this protection as required by the highest level of care being licensed. Administrative, supervisory, and other personnel may be shared by the entire facility, if so doing does not adversely affect meeting the total needs of the residents of the facility.
- d) THE OPERATOR MAY NOT ADMIT RESIDENTS IN EXCESS OF THE LICENSED CAPACITY OF THE FACILITY. (Section 2-209 of the Act) (B)
- e) A long-term care facility for persons under 22 years of age licensed and classified under the Act shall not use in its title or description "Hospital", "Sanitarium", "Sanatorium", or any other word or description in its title or advertisements which indicates that a type of service is provided by the facility which the facility is not licensed to provide or, in fact, does not provide. A long-term care facility for persons under 22 years of age may use in its title or advertisement the words or description: "Nursing Home", "Intermediate Care", "Skilled Nursing Facility".

- f) ANY PERSON CONSTRUCTING OR MODIFYING A LONG-TERM CARE FACILITY OR PORTION THEREOF WITHOUT OBTAINING THE REQUIRED PERMIT FROM THE HEALTH FACILITIES PLANNING BOARD SHALL NOT BE ELIGIBLE TO APPLY FOR LICENSURE FOR THAT FACILITY OR PORTION THEREOF. (Section 13.1 of the Illinois Health Facilities Planning Act, Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4163-1) (20 ILCS 3960/13.1 (1992)).

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- 390.APPENDIX B Forms for Day Care In Long-Term Care Facilities
- 390.TABLE A Infant Feeding
- 390.TABLE B Daily Nutritional Requirements By Age Group
- 390.TABLE C Sound Transmissions Limitations
- 390.TABLE D Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
- 390.TABLE E Sprinkler Requirements
- 390.TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) (210 ILCS 45/1-101 et seq. (1992)).

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

Section 390.110 General Requirements

- a) This Part applies to the operator/licensee of facilities, or distinct parts thereof, that are to be licensed and classified to provide nursing care to persons under 22 years of age. Any license issued and in effect prior to March 1, 1980, pursuant to the "Nursing homes, sheltered care homes, and homes for the aged Act (Ill. Rev. Stat. 1977, ch. 111 1/2, par. 35.16 et seq.) shall

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- g) THE LICENSEE SHALL GIVE 90 DAYS NOTICE PRIOR TO VOLUNTARILY CLOSING A FACILITY OR CLOSING ANY PART OF A FACILITY, OR PRIOR TO CLOSING ANY PART OF A FACILITY IF CLOSING SUCH PART WILL REQUIRE THE TRANSFER OR DISCHARGE OF MORE THAN TEN PERCENT OF THE RESIDENTS. SUCH NOTICE SHALL BE GIVEN TO THE DEPARTMENT, TO ANY RESIDENTS WHO MUST BE TRANSFERRED OR DISCHARGED, TO THE RESIDENT'S REPRESENTATIVE, AND TO A MEMBER OR THE RESIDENT'S FAMILY, WHERE PRACTICABLE. NOTICE SHALL STATE THE PROPOSED DATE OF CLOSING AND THE REASON FOR CLOSING. THE LICENSEE SHALL OFFER TO ASSIST THE RESIDENT IN SECURING AN ALTERNATIVE PLACEMENT AND SHALL ADVISE THE RESIDENT ON AVAILABLE ALTERNATIVES. WHERE THE RESIDENT IS UNABLE TO CHOOSE AN ALTERNATE PLACEMENT AND IS NOT UNDER GUARDIANSHIP, THE DEPARTMENT SHALL BE NOTIFIED OF THE NEED FOR RELOCATION ASSISTANCE. THE FACILITY SHALL COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS UNTIL THE DATE OF CLOSING, INCLUDING THOSE RELATED TO TRANSFER OR DISCHARGE OF RESIDENTS. THE DEPARTMENT MAY PLACE A RELOCATION TEAM IN THE FACILITY AS PROVIDED UNDER THE ACT. (Section 3-423 of the Act) (A, B)

h) Licensure for more than one level of care.

- 1) A facility may be licensed for more than one level of care. The licensee must designate the level of care that will be provided in each bedroom. Bedrooms of like licensed level of care must be contiguous to each other within each "nursing unit" as defined in Section 390.330. Each nursing unit may have up to two levels of care and must meet the construction standards for the highest licensed level of care in the nursing unit.
- 2) If a licensee wishes to designate a portion of its licensed beds as Intermediate Care for the Developmentally Disabled, the licensed beds must be located in a distinct part (as defined in Section 390.330) of the facility.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 390.120 Application for License

- a) Any person acting individually or jointly with other persons who proposes to build, own, establish, or operate an intermediate care facility; or skilled nursing facility shall submit application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should be licensed. The application form and other required information shall be submitted and approved prior to surveys of the physical plant or review of building plans and specifications.

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- b) An application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act (411-Rev-Stat-1989, ch. 111-1/2, par. 1151 et seq.) (20 ILCS 3960/1 et seq. (1992)).
- c) APPLICATION for a license to establish or OPERATE an intermediate care facility or skilled nursing FACILITY SHALL BE MADE in writing and submitted, with other such information as the Department may require, on forms provided by the Department. (Section 3-103(1) of the Act)
- d) ALL APPLICATIONS, EXCEPT THOSE OF HOMES FOR THE AGED, SHALL BE ACCOMPANIED BY AN APPLICATION FEE OF 200 DOLLARS FOR AN ANNUAL LICENSE AND \$400 FOR A 2-YEAR LICENSE. THE APPLICATION SHALL BE UNDER OATH AND THE SUBMISSION OF FALSE OR MISLEADING INFORMATION SHALL BE A CLASS A MISDEMEANOR. THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:
- 1) THE NAME AND ADDRESS OF THE APPLICANT IF AN INDIVIDUAL, AND IF A FIRM, PARTNERSHIP, OR ASSOCIATION, OF EVERY MEMBER THEREOF, AND IN THE CASE OF A CORPORATION, THE NAME AND ADDRESS THEREOF AND OF ITS OFFICERS AND ITS REGISTERED AGENT, AND IN THE CASE OF A UNIT OF LOCAL GOVERNMENT, THE NAME AND ADDRESS OF ITS CHIEF EXECUTIVE OFFICER;
 - 2) THE NAME AND LOCATION OF THE FACILITY FOR WHICH A LICENSE IS SOUGHT;
 - 3) THE NAME OF THE PERSON OR PERSONS UNDER WHOSE MANAGEMENT OR SUPERVISION THE FACILITY WILL BE CONDUCTED;
 - 4) THE NUMBER AND TYPE OF RESIDENTS FOR WHICH MAINTENANCE, PERSONAL CARE, OR NURSING IS TO BE PROVIDED; AND
 - 5) SUCH INFORMATION RELATING TO THE NUMBER, EXPERIENCE, AND TRAINING OF THE EMPLOYEES OF THE FACILITY, ANY MANAGEMENT AGREEMENTS FOR THE OPERATION OF THE FACILITY, AND OF THE MORAL CHARACTER OF THE APPLICANT AND EMPLOYEES AS THE DEPARTMENT MAY DEEM NECESSARY. (Section 3-103(2) of the Act)

c) Ownership Change or Discontinuation

- 1) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void

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and shall be returned to the Department when the facility is sold, or leased; or when operation is discontinued; or when operation is moved to a new location; or when the licensee (if an individual) dies; or when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be.

- 2) A license issued to a corporation shall become null, void and of no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases.

g) EACH INITIAL APPLICATION SHALL BE ACCOMPANIED BY A FINANCIAL STATEMENT SETTING FORTH THE FINANCIAL CONDITION OF THE APPLICANT AND BY A STATEMENT FROM THE UNIT OF LOCAL GOVERNMENT HAVING ZONING JURISDICTION OVER THE FACILITY'S LOCATION STATING THAT THE LOCATION OF THE FACILITY IS NOT IN VIOLATION OF A ZONING ORDINANCE. AN INITIAL APPLICATION FOR A NEW FACILITY SHALL BE ACCOMPANIED BY A PERMIT AS REQUIRED BY THE ILLINOIS HEALTH FACILITIES PLANNING ACT. AFTER THE APPLICATION IS APPROVED, THE APPLICANT SHALL ADVISE THE DEPARTMENT EVERY SIX MONTHS OF ANY CHANGES IN THE INFORMATION ORIGINALLY PROVIDED IN THE APPLICATION. (Section 3-103(3) of the Act)

g) The Department MAY ISSUE LICENSES OR RENEWALS FOR PERIODS OF NOT LESS THAN SIX (6) MONTHS NOR MORE THAN EIGHTEEN (18) MONTHS FOR FACILITIES WITH ANNUAL LICENSES AND NOT LESS THAN 18 MONTHS FOR FACILITIES WITH 2-YEAR LICENSES IN ORDER FOR THE DEPARTMENT TO DISTRIBUTE THE EXPIRATION DATES OF ALL SUCH LICENSES THROUGHOUT THE CALENDAR YEAR. THE FEES FOR THESE SUCH LICENSES ARE SHALL BE PRO-RATED ON THE BASIS OF THE PORTION OF THE YEAR FOR WHICH THEY ARE ISSUED. (Section 3-110 the Act) The pro-rated fee will be as follows:

- 1) Six (6) months to less than twelve (12) months -- \$150.00;
- 2) Twelve (12) months to eighteen (18) months -- \$200.00;
- 3) Nineteen (19) months to less than twenty-four (24) months -- \$350.00;
- 4) Twenty-four (24) months to thirty (30) months -- \$400.00.

(Source: Amended at 17 Ill. Reg. _____, effective _____).

Section 390.140 Issuance of an Initial License for a New Facility

- a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE AND

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INSPECTION OF THE APPLICANT FACILITY, THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:

- 1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT, AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE YEARS;

- 2) THE FACILITY IS UNDER THE SUPERVISION OF AN ADMINISTRATOR WHO IS LICENSED UNDER THE NURSING HOME ADMINISTRATORS LICENSING AND DISCIPLINARY ACT (~~411 Rev. Stat. 1987, ch. 111, pars. 3651 et seq.~~) (225 ILCS 70/1 et seq. (1992)); AND

- 3) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ACT AND THIS PART. (Section 3-109 of the Act)

- b) The Department will issue a probationary license for 120 days from the date of issuance.

- c) WITHIN 30 DAYS PRIOR TO THE TERMINATION OF A PROBATIONARY LICENSE, THE DEPARTMENT SHALL FULLY AND COMPLETELY INSPECT THE FACILITY AND, IF THE FACILITY MEETS THE APPLICABLE REQUIREMENTS FOR LICENSURE, SHALL ISSUE A LICENSE UNDER SECTION 3-109 OF THE ACT. If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire. (Section 3-116 of the Act)

- d) IF THE DEPARTMENT FINDS THAT THE FACILITY DOES NOT MEET THE REQUIREMENTS FOR LICENSURE BUT HAS MADE SUBSTANTIAL PROGRESS TOWARD MEETING THOSE REQUIREMENTS, THE LICENSE MAY BE RENEWED ONCE FOR A PERIOD NOT TO EXCEED 120 DAYS FROM THE EXPIRATION DATE OF THE INITIAL PROBATIONARY LICENSE. Under no condition may more than two successive probationary licenses be issued. (Section 3-116 of the Act)

- e) ~~Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of written approval by the Department.~~ The licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section 3-110(b) of the Act for the last twenty-four consecutive months.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 390.150 Issuance of an Initial License Due to a Change of Ownership

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- a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE, THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:
- 1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR TO PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE YEARS;
 - 2) THE FACILITY IS UNDER THE SUPERVISION OF AN ADMINISTRATOR WHO IS LICENSED UNDER THE NURSING HOME ADMINISTRATORS LICENSING AND DISCIPLINARY ACT; AND
 - 3) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ACT AND THIS PART. (Section 3-109 of the Act)
- b) WHENEVER OWNERSHIP OF A FACILITY IS TRANSFERRED FROM THE PERSON NAMED IN A LICENSE TO ANY OTHER PERSON, THE TRANSFEREE MUST OBTAIN A NEW PROBATIONARY LICENSE. THE TRANSFEREE SHALL NOTIFY THE DEPARTMENT OF THE TRANSFER AND APPLY FOR A NEW LICENSE AT LEAST 30 DAYS PRIOR TO FINAL TRANSFER. (Section 3-112 of the Act)
- c) THE TRANSFEROR SHALL NOTIFY THE DEPARTMENT AT LEAST 30 DAYS PRIOR TO FINAL TRANSFER. THE TRANSFEROR SHALL REMAIN RESPONSIBLE FOR THE OPERATION OF THE FACILITY UNTIL SUCH TIME AS THE LICENSE IS ISSUED TO THE NEW TRANSFEREE. (Section 3-112 of the Act)
- d) THE LICENSE GRANTED TO THE TRANSFEREE SHALL BE SUBJECT TO ANY PLAN OF CORRECTION SUBMITTED BY THE PREVIOUS OWNER AND APPROVED BY THE DEPARTMENT AND ANY CONDITIONS CONTAINED IN A CONDITIONAL LICENSE ISSUED TO THE PREVIOUS OWNER. IF THERE ARE OUTSTANDING VIOLATIONS AND NO PLAN OF CORRECTION HAS BEEN SUBMITTED BY THE FACILITY AND APPROVED BY THE DEPARTMENT, THE DEPARTMENT MAY ISSUE A CONDITIONAL LICENSE AND PLAN OF CORRECTION AS PROVIDED IN SECTIONS 3-311 THROUGH 3-317 OF THE ACT IN PLACE OF A PROBATIONARY LICENSE. (Section 3-113 of the Act)
- e) THE TRANSFEROR SHALL REMAIN LIABLE FOR ALL PENALTIES ASSESSED AGAINST THE FACILITY WHICH ARE IMPOSED FOR VIOLATIONS OCCURRING PRIOR TO TRANSFER OF OWNERSHIP. (Section 3-114 of the Act)

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- f) The Department will issue a probationary license for 120 days from the date of issuance.
- g) WITHIN 30 DAYS PRIOR TO THE TERMINATION OF A PROBATIONARY LICENSE, THE DEPARTMENT SHALL FULLY AND COMPLETELY INSPECT THE FACILITY AND, IF THE FACILITY MEETS THE APPLICABLE REQUIREMENTS FOR LICENSURE, SHALL ISSUE A LICENSE UNDER SECTION 3-109 OF THE ACT. If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire. (Section 3-116 of the Act)
- h) IF THE DEPARTMENT FINDS THAT THE FACILITY DOES NOT MEET THE REQUIREMENTS FOR LICENSURE BUT HAS MADE SUBSTANTIAL PROGRESS TOWARD MEETING THOSE REQUIREMENTS, THE LICENSE MAY BE RENEWED ONCE FOR A PERIOD NOT TO EXCEED 120 DAYS FROM THE EXPIRATION DATE OF THE INITIAL PROBATIONARY LICENSE. Under no condition may more than two successive probationary licenses be issued. (Section 3-116 of the Act)
- i) The issuance date of the probationary license to the new owner will be the date the last licensure requirement is met as determined by the Department. ~~Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of written approval by the Department.~~
- j) The licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section 3-110(h) of the Act for the last twenty-four consecutive months.
(Source: Amended at 17 Ill. Reg. _____, effective _____)
- Section 390.160 Issuance of a Renewal License
- AT LEAST 120 DAYS, BUT NOT MORE THAN 150 DAYS, PRIOR TO LICENSE EXPIRATION, THE LICENSEE SHALL SUBMIT AN APPLICATION FOR RENEWAL OF THE LICENSE IN SUCH FORM AND CONTAINING SUCH INFORMATION AS THE DEPARTMENT REQUIRES. IF THE APPLICATION IS APPROVED, AND THE FACILITY IS IN COMPLIANCE WITH ALL OTHER LICENSURE REQUIREMENTS, THE LICENSE SHALL BE RENEWED ~~FOR AN ADDITIONAL ONE YEAR PERIOD.~~ (Section 3-115 of the Act)
(Source: Amended at 17 Ill. Reg. _____, effective _____)
- Section 390.282 Conditions for Assessment of Penalties
- The Department shall consider the assessment of a monetary penalty against a facility under the following conditions:

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considering the factors outlined in Section 390.286(a), or

B) The total of the following:

- i) \$3 PER RESIDENT IN THE FACILITY, PLUS
- ii) \$.15 PER RESIDENT FOR EACH DAY OF THE VIOLATION COMMENCING ON THE DAY ON WHICH THE DATE A NOTICE OF VIOLATION IS RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED SERVED UNDER SECTION 3-301 of the Act AND ENDING ON THE DATE THE VIOLATION IS CORRECTED. (Section 3-305(2) of the Act)

2) Upon acceptance of a plan of correction by the Department, assessment of the penalty shall be suspended by the Department. No additional penalty shall be imposed for days during which the plan of correction is in effect.

d) When a facility fails to correct a level B violation within the time period specified in the plan of correction approved by the Department.

1) The facility shall be cited for a repeat violation.

2) The penalty to be assessed shall be computed in accordance with subsection (c)(1) of this Section. Days during which the plan of correction was in effect shall be included in the calculation of the penalty.

3) The facility shall also be issued a conditional license for a period of at least six months as provided in Section 390.260.

c) WHEN A NOTICE OF VIOLATION IS ISSUED FOR A VIOLATION OF ARTICLE II OF THE ACT WITH REGARD TO THE RIGHTS OF A PARTICULAR RESIDENT OF THE FACILITY, THE DEPARTMENT SHALL ORDER THE FACILITY TO REIMBURSE THE RESIDENTS FOR ANY INJURIES INCURRED OR IF THE AMOUNT OF THE INJURIES IS LESS THAN \$100, THE DEPARTMENT SHALL ORDER THE FACILITY TO PAY \$100 TO THE RESIDENT. (Section 3-305(7) of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 390.2660 Nursing Unit

a) The number of resident beds, cribs or bassinets in a nursing unit shall not exceed 75.

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a) When a notice of violation for a level A violation is issued.

1) The penalty to be assessed for this violation shall be the greater of the following:

A) An amount NOT LESS THAN \$5000 as determined by the Director or his designee considering the factors outlined in Section 390.286(a), or

B) The total of the following:

- i) \$5 PER RESIDENT IN THE FACILITY, PLUS
- ii) \$20 PER RESIDENT FOR EACH DAY OF THE VIOLATION, COMMENCING ON THE DAY ON WHICH THE NOTICE OF VIOLATION IS RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED SERVED UNDER SECTION 3-301 of the Act AND ENDING ON THE DATE THE VIOLATION IS CORRECTED. (Section 3-305(1) of the Act), or

C) WHEN DEATH, SERIOUS MENTAL OR PHYSICAL HARM, PERMANENT DISABILITY, OR DISFIGUREMENT RESULTS, A FINE OF NOT LESS THAN \$10,000, as determined by the Director or his designee considering the factors outlined in Section 390.286(a). (Section 3-305(1) of the Act)

2) The facility shall also be issued a conditional license for a period of six months as provided in Section 390.260.

b) When a facility fails to abate or eliminate a level A violation immediately or within the period set by the Department in the notice of violation pursuant to Section 390.276(a)(4)(A).

1) The facility shall be cited for a repeat violation.

2) The penalty to be assessed shall be three times the penalty computed under subsection (a)(1) of this Section.

3) The license of the facility shall be revoked as provided in Section 390.180.

c) When a notice of violation for a level B violation is issued.

1) The penalty to be assessed for this violation shall be the greater of the following:

A) An amount NOT LESS THAN \$500 as determined by the Director or his designee

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b) General Requirements for Bedrooms

- 1) Resident bedrooms shall have an entrance directly off a corridor with an entrance door which swings into the room.
 - 2) The facility shall provide a closet or wardrobe of at least four square feet for each resident.
 - 3) Resident bedroom floors shall be at or above grade level.
 - 4) Each room used as a resident bedroom shall have at least one outside window, with a total window area equal to one-tenth the floor area of the room.
 - 5) There shall be separate bedrooms for males and females over six years of age unless the interdisciplinary team determines that separation is not necessary due to the functional level of individual residents.
 - 6) A handwashing lavatory shall be provided in each bedroom.
 - 7) Resident bedrooms shall have adequate and satisfactory artificial light and be equipped in accordance with Section 390.2740(d)(2).
 - 8) Receptacles shall be provided in accordance with Section 390.2740(e).
 - 9) Nurses' call system shall be provided in accordance with Section 390.2740(g).
 - 10) Visual privacy shall be provided for each resident in multibed rooms in accordance with Section 390.2220(a)(4). Location of screen or curtain shall not restrict resident access to bathing facilities, toilet or lavatory.
 - 11) Residents shall have access to a bathing/toilet room without entering the general corridor area.
 - 12) No resident bedroom shall be located more than 120 feet from the nurses' station, clean utility room, and soiled utility room.
 - 13) Vision panels shall be provided in corridor walls or room doors of each bedroom.
- c) Resident Bedrooms
- 1) Each single bedroom used for a resident shall have at least 100 square feet of usable net floor area, not including any space taken up for closets, wardrobes, bathrooms, and

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clearly definable entryway areas.

- 2) Each multiple bedroom for residents shall have the following floor areas, exclusive of closets, wardrobes, bathrooms, and clearly defined entryways:
 - A) Not less than 80 square feet per bed. Size: 38"-40" x 75"-84". No more than 4 beds per room.
 - B) Not less than 70 square feet per small bed. Size: 37" to less than 38" x 61" to less than 75". No more than 4 beds per room.
 - C) Not less than 65 square feet per large crib. Size: 30" to less than 37" x 56" to less than 61".
 - D) Not less than 55 square feet per medium crib. Size: 27" to less than 30" x 43" to less than 56".
 - E) Not less than 50 square feet per small crib. Size: 19" to less than 27" x 35" to less than 43".
 - F) Not less than 30 square feet per bassinets. Size: Smaller than 19" x 35". All sleeping accommodations shall be adequate in size to allow for the resident's comfort.
- 3) Multiple resident bedrooms shall not have more than four beds of any size located not more than three deep from the outside wall.
- 4) Any combination of beds, cribs and bassinets (of any size) may be placed in the same bedroom when appropriate to the functional levels of the residents. However, no bedroom shall contain more beds, cribs, and bassinets (of any size) than can be contained in 390 square feet of floor space, except that no more than four beds of any size can be contained in one room and such rooms shall not contain any cribs or bassinets of any size. In addition, the number of residents in a bedroom shall not exceed eight.
- 5) The facility shall provide a minimum clearance of three feet at the foot and one side of all sleeping accommodations. Clearance is not required when accommodation is not occupied; however, an exit path must always be maintained in accordance with the requirements of the National Fire Protection Association's Standard No. 101: Life Safety Code.
- 6) The minimum dimension of bedrooms shall be ten feet between walls or a wall and any

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built-in furniture or storage space.

d) Special Care Room

- 1) The facility shall ~~P~~provide one special room for each nursing unit, complying with bedroom requirements in subsections (b) and (c) of this Section.
- 2) The facility shall Pprovide one workroom with observation windows adjacent to the special care room. Space within this room or in separate rooms shall be designed to include all or part of the following functions:
 - A) Hygienic care including bathing, complying with this Section.
 - B) Separated soiled area with hampers for soiled linen, diapers and disposables. ~~Provide~~This area shall be provided with a double compartment sink with integral drainboard and clinical rim flush sink.
 - C) Separated clean area with storage cabinets, work counter, refrigerator, formula storage-dispensing and clean linen storage.
 - D) Gowning for staff.
- 3) When more than one resident is housed in this room, it may only be used to isolate residents with the same communicable disease.
- 4) This room shall be located to allow direct appropriate visual supervision from the nurses' station.
- 5) This room may be included in the authorized maximum bed capacity for the facility.
- 6) It is permissible for the room to be occupied by residents not in need of special care, provided the resident is clearly informed and understands ~~they~~ that he or she will be immediately transferred out of the room any time of day or night, whenever the room is needed to care for a resident requiring special care.

e) Nurses' Station (B)

- 1) The facility shall Pprovide a minimum of one nursing station for each nursing unit. The station shall have direct access to a corridor, shall be located near the area it will serve, and shall be designed to provide visual control of the area. It shall be separated satisfactorily from the nurses' utility rooms.

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- 2) One or more nursing units may be combined with a central nursing station if sufficient space is provided for all nursing functions.
- 3) A toilet room shall be provided near each station for nursing staff. A lounge with lockers for safekeeping of coats and personal effects shall be provided either within this space or in a convenient central location.
- f) Bathing and Toilet Rooms
 - 1) The bathing/toilet room adjacent to resident room shall serve no more than two resident rooms nor more than 16 beds, cribs or bassinets.
 - 2) Fixtures shall be provided as follows:
 - A) Lavatories: One per eight.
 - B) Clinical rim flush sink and water closet for residents capable of using them: One per eight.
 - C) Bathing or shower fixtures: One per ten.
 - 3) The lavatory may be omitted from the bathing/toilet room when installed in the resident room.
 - 4) The facility shall ~~P~~provide a minimum of one bathtub for assisted bathing per nursing unit. There shall be a clear area at least three feet wide on one long side.
 - 5) The facility shall Pprovide a minimum of one shower stall for assisted showering per nursing unit. The shower stall shall be a least four feet square with no curb.
 - 6) Other acceptable fixtures for bathing the residents may be provided with Department approval.
 - 7) All plumbing fixtures shall be designed and installed to satisfactorily serve the residents using them.
 - 8) There shall be separate toilet and bathing areas on each floor for males and females over six years of age unless the interdisciplinary team determines that separation is not necessary due to the functional level of individual residents.
 - 9) The facility shall Pprovide one wheelchair toilet room for residents residing in the nursing unit. This room shall be accessible from the corridor and shall contain a water

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closet and lavatory.

- 10) Wheelchair resident toilet rooms are not required when all resident toilet rooms can accommodate wheelchair residents.

- 11) Grouped bathing and toilet facilities shall be partitioned or curtained for privacy.

g) Utility Rooms

- 1) ~~The Clean~~ utility room shall have direct access to a corridor or access may be through the nurses' station entrance. This room shall contain work counters, single or double compartment sink with integral drainboard, storage cabinets, and an autoclave. (Autoclave may be waived in lieu of other methods if sterilization is approved by Department.)

- 2) ~~A Clean~~ linen storage room or closet within the clean utility room shall be provided. If a closed cart system is used, storage may be in an alcove.

- 3) ~~The Soiled~~ utility room shall have direct access to a corridor. This room shall contain work counters, double compartment sink with integral drainboard, storage cabinets with shelves, a clinical rim flush sink, and sanitizer (See Section 390.27302230).

- 4) The charging room for a linen chute shall be large enough to unload the collecting cart with the corridor door closed.

- h) ~~A Medicine~~ station shall be provided for convenient and prompt 24 hour distribution of medicine to residents.

- 1) The medicine preparation room shall be under the nursing staff's visual control and contain a work counter, refrigerator, and locked storage for biologicals and rugs. ~~Provision~~ A sink for handwashing and preparation of medication ~~purposes~~ shall be provided in the medication preparation room.

- 2) If medicine dispensing carts are used, a specific space shall be provided which may be located in the nurses' station or in an alcove or other space under the direct control of the nursing staff. ~~Provision~~ A sink for handwashing and preparation of medication ~~purposes~~ shall be provided in the nurses' station.

- i) ~~A Nourishment~~ station shall be provided with a handwashing sink and equipment including refrigerator, and storage cabinets for serving nourishment between scheduled meals.

- j) ~~A Room~~ for examination and treatment of residents shall be provided and shall have a

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minimum floor area of 100 square feet, excluding space for vestibule, closets and work counters (whether fixed or movable). The minimum room dimension shall be ten feet. The room shall contain a lavatory or sink equipped for handwashing; a work counter; storage facilities; and as desk, counter, or shelf space for writing. When this room is not being used for examination or treatment, it may be used for other functions (such as an office).

- k) Equipment storage rooms shall be provided for storage of equipment such as I.V. stands, inhalators, air mattresses, walkers, and wheelchairs.

- l) Parking space for wheelchairs shall be provided and located out of path of normal traffic.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

1) The Heading of the Part:
Rules of Practice and Procedure in Administrative Hearings

2) Code Citation:
77 Ill. Adm. Code 100

- 3) Section Numbers:
100.1 Amendment
100.2 Amendment
100.3 Amendment
100.4 Amendment
100.5 Amendment
100.6 Amendment
100.7 Amendment
100.8 Amendment
100.9 Amendment
100.10 Amendment
100.11 Amendment
100.12 Amendment
100.13 Amendment
100.14 Amendment
100.15 Amendment
100.16 Amendment
100.17 Amendment
100.18 New Section
100.19 New Section
- Proposed Action:

4) Statutory Authority:
Section 5-10(a)(i) of the Illinois Administrative Procedure Act
Ill. Rev. Stat. 1991, ch. 127, par. 1010-25) [5 ILCS 100/1-1] and Sections 55 through 55.63 of
the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55 et seq.) [20 ILCS
2310/55 through 55.63]

5) A Complete Description of the Subjects and Issues Involved:
This rulemaking reflects revisions to the Illinois Administrative Procedure Act concerning
hearings. Such changes include the addition of the term "administrative law judge" meaning an
attorney licensed to practice law in Illinois and appointed by the Director of Public Health to
preside at an administrative hearing. The rulemaking clarifies that a party in hearings must be
represented by an attorney, sets forth procedures for hearings requested by complainants under

the Nursing Home Care Act, and clarifies procedures for service of various notices concerning
hearings under this Part. The rules specifies the manner in which prehearing conferences and
hearings will be conducted, provides requirements relating to motions and subpoenas, specifies
the scope of discovery, and states requirements regarding records of all proceedings under this
Part.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?
Yes ___ No X
- 7) Does this Rulemaking Contain an Automatic Repeat Date? Yes ___ No X
If "yes," please specify the date: _____
- 8) Does this Rulemaking Contain Any Incorporations By Reference?
Yes ___ No X
If "yes," please specify type: 6.02(a)___ or 6.02(b)___
- 9) Are there any other Proposed Amendments Pending on this Part?
Yes ___ No X
If Yes:

Section Numbers Proposed Action Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:
This rulemaking will not create or expand a mandate on units of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:
Interested persons may present their comments concerning these rules by writing to Gail M.
DeVito, Division of Governmental Affairs, Illinois Department of Public Health,
525 West Jefferson, Second Floor, Springfield, Illinois 62761, within 45 days after this issue of
the Illinois Register.
These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03
of the Illinois Administrative Procedure Act, any small business may present their comments in
writing to Gail M. DeVito at the above address.

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Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
- B) Type of Small Businesses Affected:
Any small business licensed by the Department.
- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:
No new procedures required.
- D) Types of Professional Skills Necessary for Compliance:

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER a: GENERAL RULES

PART 100

RULES OF PRACTICE AND PROCEDURE IN ADMINISTRATIVE HEARINGS

Section	
100.1	Authority - Applicability of these Rules
100.2	Definitions
100.3	Parties to Hearings
100.4	Appearance - Right to Counsel
100.5	Emergency Action Commencement of an Action
100.6	Hearings Requested by Complainants Intervention
100.7	Initiation of a Contested Case Pleadings
100.8	Motions Form of Papers
100.9	Form of Papers Service
100.10	Service Pre-Hearing Conferences
100.11	Prehearing Conferences Conduct of Hearings
100.12	Hearings Subpoenas
100.13	Subpoenas Discovery and Depositions
100.14	Scope of Discovery Hearing Officer's Report and Final Decision
100.15	Administrative Law Judge's Report and Recommendations Proposal for Decision
100.16	Proposal for Decision Records of Proceedings
100.17	Final Orders Miscellaneous
100.18	Records of Proceedings
100.19	Miscellaneous

AUTHORITY: Implementing and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-25) [5 ILCS 100/1-1] and Sections 55 through 55.63 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55 et seq.) [20 ILCS 2310/55 through 2310/55.63].

SOURCE: Adopted at 2 Ill. Reg. 38, p. 91, effective September 23, 1978; amended and codified at 4 Ill. Reg. 43, p. 127, effective October 14, 1980; amended at 5 Ill. Reg. 14167, effective December 9, 1981; amended at 6 Ill. reg. 2235, effective February 2, 1982; amended at 11 Ill. Reg. 1937, effective January 9, 1987; amended at 17 Ill Reg., effective _____.

Note: Capitalization denotes statutory language.

Section 100.1: Authority - Applicability of these Rules

- a) These rules of practice and procedure for administrative hearings are promulgated pursuant to Section 4(a)(4) 5-10(a)(i) of the Illinois Administrative Procedure Act

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(IAPA), ~~Chapter 127, Paragraph 1004 of the Illinois Revised Statutes, 1979, (filed, October 14, 1980, effective, October 14, 1980)~~

b) These rules shall govern all contested cases in ~~formal administrative hearings for~~ the Department of Public Health, State of Illinois. Where a licensing statute prescribes certain procedures or requirements for licensure hearings, those procedures or requirements will be followed as though they were set forth in these rules. ~~For purposes of these rules, all contested cases and licensing actions which are required by law to be preceded by notice and an opportunity for hearing shall be governed by these rules. Any hearing held in a contested case or in a licensing action shall be deemed to be a formal administrative hearing.~~ (filed, September 13, 1978, effective, September 23, 1978)

c) These rules shall also apply to contested cases resulting from ~~all hearings conducted by the Department as part of~~ the Department's administration of any program on behalf of the United States government. In the event there is a conflict between federal regulations and these rules, federal regulations shall prevail. (filed, October 14, 1980, effective October 14, 1980)

d) These rules shall not govern the various informal administrative procedures established by the Department to resolve licensing issues or conflicts prior to initiating any action requiring a formal hearing. (filed, September 13, 1978, effective, September 23, 1978)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.2: Definitions

"Administrative Law Judge" shall mean any attorney licensed to practice law in Illinois, appointed by the Director to preside at an administrative hearing.

"Contested case" shall have the meaning ascribed to it in Section 3-02 1-30 of the IAPA.

"Department" shall mean the Department of Public Health, State of Illinois.

"Director" shall mean the Director or the designee of the Director of the Department of Public Health, State of Illinois.

"Hearing Officer" shall mean ~~the person appointed by the Director to preside at the formal administrative hearing~~ administrative law judge.

"IAPA" shall mean The Illinois Administrative Procedure Act, (Ill. Rev. Stat. 1991~~85~~, ch. 127, pars. 1010-25 et seq.)~~5~~ ILCS 100/1-1].

"License" shall have the meaning ascribed to it in Section 3-04 1-35 of the IAPA.

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"Licensing" shall have the meaning ascribed to it in Section 3-05 1-40 of the IAPA.

"NHCA" shall mean the Nursing Home Care Act, (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.)~~210 ILCS 45/1-101 et seq.~~

"Medical Determinations Board" shall have the meaning ascribed to it in Section 6-06a of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1985, ch. 127, at 6-06a).

"Person" shall have the meaning ascribed to it in Section 3-07 1-60 of the IAPA.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.3: Parties to Hearings

a) The parties to an administrative hearings before the Department are the Department, the ~~Complainants and the Respondents, and the Complainant, pursuant to the Nursing Home Care Act.~~ (filed, September 13, 1978, effective, September 23, 1978)

b) ~~A Complainant is a person who initiates a hearing.~~ (filed, October 14, 1980, effective, October 14, 1980)

b~~e~~) A Respondent is a person against whom a complaint or petition is filed or to whom a notice of an opportunity for hearing is directed. (filed, September 13, 1978, effective, September 23, 1978)

c~~d~~) This Section does not apply to those administrative hearings conducted pursuant to Section 100.6 of this Part.

d~~e~~) If a Respondent requests a hearing pursuant to the NHCA, the Complainant pursuant to Sec. 3-702(g) of that Act may participate as a party.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.4: Appearance - Right to Counsel

a) Any party to ~~a~~ the proceeding may appear and be represented ~~heard~~ by an attorney ~~at law~~ authorized to practice law in the State of Illinois. ~~Any individual party may waive this right. A natural person may appear and be heard on his or her own behalf. A corporation, partnership or association shall appear and be heard only by an attorney authorized to practice law in the State of Illinois. Proceedings for the purposes of this Section shall begin with the filing of the Answer pursuant to Section 100.7(d). A shareholder, corporate officer, employee, or member of the board of directors may not appear or represent a corporation or association unless that individual is authorized to practice law in the State of Illinois. All persons appearing in proceedings before the~~

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~~Department shall conform to the standards of ethical conduct required of attorneys before the courts of Illinois. If any person does~~

~~not conform to such standards, the Department may decline to permit such person to appear in any proceedings. (filed: October 14, 1980, effective: October 14, 1980).~~

b) Only persons admitted by the Supreme Court of this State to practice as attorneys and counselors at law shall represent parties in proceedings before this Department. All persons appearing in proceeding before the Department shall conform to the standards of ethical conduct required of attorneys before the courts of Illinois. If any person does not conform to such standards, the administrative law judge may decline to permit such person to appear in any proceeding. Each party to a proceeding who appears before the Department either in person or by counsel, shall inform the Department in writing of upon the record of the address at which any notice or other document may be served upon him or her in such proceedings. All further service may be made by regular mail unless other wise required by statute or rule. Service shall be presumed unless disputed in the record. (filed: October 14, 1980, effective: October 14, 1980)

c) Any attorney appearing before the Department as a representative of any party shall file an Appearance containing: the name of the party represented; the name, address and telephone number of the attorney; an affirmative statement that the attorney is duly licensed in the State of Illinois; and, the written signature of the attorney. Special appearances are not recognized. The initial appearance regardless of form is deemed a general appearance. (filed: October 14, 1980, effective: October 14, 1980).

d) Special appearances are not recognized. The initial appearance regardless of form is deemed a general appearance. An attorney may withdraw his appearance and/or representation only upon motion and appropriate ruling by the Hearing Officer. However, attorneys may be substituted without motion upon notice to all parties and the Hearing Officer if the substitution will not delay the proceedings and a statement to that effect is contained in the notice. (filed: October 14, 1980, effective: October 14, 1980)

e) An attorney may withdraw his or her appearance and/or representation only upon motion and appropriate ruling by the administrative law judge. However, attorneys may be substituted without motion upon notice to all parties and the administrative law judge if the substitution will not delay the proceedings and a statement to that effect is contained in the notice, and a substitute Appearance form is filed concurrently with the Notice.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.5: Emergency Action Commencement of an Action

IF THE DIRECTOR FINDS THAT THE PUBLIC INTEREST, SAFETY OR WELFARE IMPERATIVELY

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REQUIRES EMERGENCY ACTION, AND IF THE DIRECTOR INCORPORATES A FINDING TO THAT EFFECT IN AN ORDER, SUMMARY SUSPENSION OF A LICENSE OR AUTHORIZATION TO CONDUCT a particular activity MAY BE ORDERED, PENDING PROCEEDINGS FOR REVOCATION, termination or other actions, which PROCEEDINGS SHALL BE PROMPTLY INSTITUTED AND DETERMINED. Administrative actions under these rules shall be commenced by the Director signing a Notice as set forth in paragraph a of Section 100.7 of this Title. (filed: September 13, 1978, effective: September 23, 1978) (Section 10-60 of the IAPA).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.6: Hearings Requested by Complainants Intervention

Pursuant to Section 3-702(g) of the NHCA, A COMPLAINANT WHO IS DISSATISFIED WITH THE DETERMINATION OR INVESTIGATION BY THE DEPARTMENT OF HIS OR HER COMPLAINT MAY REQUEST A HEARING. (Section 3-702(g) of the NHCA)

a) The parties to administrative hearings pursuant to this Section are the Department, the Complainant, and the Facility.

b) Dissatisfied Complainants pursuant to this Section shall have the opportunity to contest the Department's determination as to whether the complaint was valid, invalid, or undetermined and also the Department's determination as to whether or not to issue any violation as a result of said determination.

c) Dissatisfied Complainants pursuant to this Section do not have the opportunity to contest any other determinations or decisions of the Department.

d) Nothing contained herein shall be deemed to entitle a dissatisfied Complainant to additional hearings or to a rehearing of a case which has already been the subject of a formal administrative hearing or a Final Order.

e) In accordance with Sections 3-703 through 3-712 of the NHCA, the Director shall designate an administrative law judge to conduct hearings requested by dissatisfied Complainants. THE FACILITY SHALL BE GIVEN NOTICE OF ANY SUCH HEARING AND MAY PARTICIPATE IN SUCH HEARING AS A PARTY. (Section 3-702(g) of the NHCA).

f) For the purposes of this Section, a referring agent is an individual or organization who has initiated the complaint process at the direction of, or on behalf of another individual and it is that individual who is considered to be the Complainant with all the rights provided for under the provisions of the NHCA. Unless the Complainant objects, the referring agent shall receive the notice of complaint determination and of any facility appeal.

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- g) Complainants pursuant to this Section shall carry the burden to prove by a preponderance of the evidence that the aforesaid determinations of the Department were improper.
- h) At the conclusion of the hearing, the administrative law judge shall prepare a report in accordance with Section 100.15, and make a recommendation to the Director specifying whether the complaint should be reinvestigated and/or any invalid or undetermined finding should be changed to a valid finding or the Department should reconsider the failure to cite a facility with any violation.
- a) Upon timely application any person may in the discretion of the Hearing Officer be permitted to intervene in a proceeding before the department;
- (1) when the petitioner can show an interest in the proceeding which may not be adequately represented by the parties to the proceedings; or
- (2) when the petitioner may be affected by the Department's final administrative decision; or
- (3) when the petitioner is another agency of the State of Illinois which has a interest in the matter which is before the Department. (filed, October 14, 1980; effective, October 14, 1980)
- b) A person desiring to intervene shall present a Petition for Intervention accompanied by any pleadings or motions he proposes to file. (filed, September 13, 1978, effective, September 23, 1978)
- e) In determining whether to allow intervention, the Hearing Officer may consider the following: whether the intervention will unduly delay the hearing, prejudice the rights of the Respondent, be unduly burdensome to any party, enlarge the scope of the proceedings, insert new issues into the proceedings, or whether there are other remedies available to the petitioners, or whether there are any other factors which may bear upon the rights of any party. (filed, September 13, 1978 effective, September 23, 1978)
- d) The intervenor shall have the right to present evidence and cross-examine witnesses only with respect to those issues which are within the scope of his intervention. The intervenor shall not object to the introduction of any evidence. An intervenor may only conduct discovery upon motion and showing that the desired discovery is for good cause and will not impose delay or be burdensome to the proceeding. (filed, October 14, 1980; effective, October 14, 1980)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.7: Initiation of a Contested Case Pleadings

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- a) In contested cases, the Department shall serve on the Respondent a Notice of Opportunity for an Administrative Hearing which shall contain: ~~Notice in all actions under this rules, the department shall serve on all parties to a contested case a notice of an administrative hearing or a notice of an opportunity for an administrative hearing. The Notice shall be signed by the Director.~~
- 1) ~~THE NOTICE OF AN ADMINISTRATIVE HEARING SHALL CONTAIN;~~
- A) ~~1) A STATEMENT OF THE NATURE OF THE ACTION HEARING;~~
- B) ~~A STATEMENT OF THE TIME AND PLACE OF THE HEARING OR IF A PREHEARING CONFERENCE IS SCHEDULED BY THE DEPARTMENT, THE TIME AND PLACE OF THE CONFERENCE;~~
- C) ~~2) A STATEMENT OF THE LEGAL AUTHORITY AND JURISDICTION UNDER WHICH THE ACTION IS BEING INITIATED HEARING IS TO BE HELD;~~
- D) ~~3) A REFERENCE TO THE PARTICULAR SECTIONS OF THE STATUTES AND RULES INVOLVED; AND,~~
- E) ~~4) UNLESS ACCOMPANIED BY allegations of noncompliance; A SHORT AND PLAIN STATEMENT OF THE MATTERS ASSERTED;~~
- 5) ~~a statement of the procedure for requesting an administrative hearing. (Section 10-25 of the IAPA), including a date by which the request must be received by the Department, which must be set at least ten days after the Notice is mailed or personally served.~~
- 6) ~~A statement setting forth the requirement of an Answer, pursuant to subsection (d) below.~~
- 7) ~~EXCEPT WHERE A MORE DETAILED STATEMENT IS OTHERWISE PROVIDED FOR BY LAW, A SHORT AND PLAIN STATEMENT OF THE MATTERS ASSERTED. THE CONSEQUENCES OF A FAILURE TO RESPOND, AND THE OFFICIAL FILE OR REFERENCE NUMBER. (Section 10-25 of the IAPA)~~
- 2) ~~THE NOTICE OF AN OPPORTUNITY FOR AN ADMINISTRATIVE HEARING SHALL CONTAIN:~~
- A) ~~A STATEMENT OF THE NATURE OF THE HEARING;~~

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- B) ~~A statement of the date and place at which a request for a hearing (see Rule 7.02) from the person given the opportunity for a hearing is to be received by the Department. The date set for receipt of the Request for a Hearing shall be at least 10 days from the Notice is mailed or personally served.~~
- C) ~~A STATEMENT AS TO THE TIME AND PLACE THAT THE HEARING CONFERENCE WILL BE HELD IF A TIMELY REQUEST FOR HEARING IS RECEIVED BY THE DEPARTMENT;~~
- D) ~~A STATEMENT OF THE LEGAL AUTHORITY AND JURISDICTION UNDER WHICH THE HEARING IS TO BE HELD;~~
- E) ~~A REFERENCE TO THE PARTICULAR SECTIONS OF THE STATUTE AND RULES INVOLVED, AND;~~
- F) ~~UNLESS ACCOMPANIED BY ALLEGATIONS OF NONCOMPLIANCE, A SHORT AND PLAIN STATEMENT OF THE MATTERS ASSERTED.~~

b) ~~Request for a Hearing-~~ A person who receives a Notice of an Opportunity for an Administrative Hearing must submit a written request for a the hearing to the Department. The request is to be sent to the Department at the address stated in the Notice and must be received by the date set forth in the Notice. Failure to comply with this Section ~~rule~~ shall constitute a waiver of the person's right to an administrative hearing. (filed, September 13, 1978, effective, September 23, 1978)

c) Upon receipt of a timely request for hearing, the Department shall issue a Notice of Hearing or Prehearing Conference. ~~THE NOTICE OF HEARING OR PREHEARING CONFERENCE SHALL CONTAIN: Allegations of Noncompliance. The Department may file a statement, entitled Allegations of Noncompliance, setting forth facts which constitute alleged violations of a statute or department rules and which are the basis of the Department's action (filed, October 14, 1980, effective October 14, 1980)~~

- 1) A STATEMENT OF THE NATURE OF THE HEARING;
- 2) A STATEMENT OF THE TIME AND PLACE THAT THE HEARING OR Prehearing Conference will be held;
- 3) A STATEMENT OF THE LEGAL AUTHORITY AND JURISDICTION UNDER WHICH THE HEARING IS TO BE HELD;
- 4) THE NAMES AND MAILING ADDRESSES OF THE ADMINISTRATIVE

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LAW JUDGE, ALL PARTIES, AND ALL OTHER PERSONS TO WHOM THE AGENCY GIVES NOTICE OF THE HEARING UNLESS OTHERWISE CONFIDENTIAL BY LAW.

- 5) A Statement setting forth the requirement of an Answer pursuant to subsection (d) below. (Section 10-25 of the IAPA)
- d) ~~Answers- A Written aAnswers to the Allegations of Noncompliance or to the Department's statement of the matters asserted in the proceeding may shall be filed by a Respondent. An Answer if filed must be served on all parties within 20 days after receipt of the notice alleging noncompliance at least 48 hours prior to the date of hearing. If a Respondent fails to file an Answer, each alleged violation of a statute or Department rule by the Respondent shall be deemed to have been admitted denied. If the Respondent has insufficient knowledge of the facts to form a belief as to the truth of the allegation, the Respondent may so state with an affidavit of insufficient knowledge. If the Respondent wishes to raise defenses which are affirmative in nature or might take the Department by surprise, the Respondent must do so in the Answer. (filed, September 13, 1978, effective, September 23, 1978)~~
- e) ~~Amendments to the Allegations of Noncompliance and Answers, may be allowed upon proper motion at any time during the pendency of the proceedings on such terms as shall be just and reasonable. Petition for Intervention- The Petition for Intervention shall contain:~~
 - 1) ~~the name and address of the person making the petition to intervene;~~
 - 2) ~~if the petitioner is represented by an attorney, the name and address of the attorney;~~
 - 3) ~~a plain and concise statement setting forth the grounds for interventions.~~

~~All petitions shall be filed with the Hearing Officer and copies served on all parties to the proceedings. (filed, September 13, 1978, September 23, 1978)~~

f) ~~All written documents provided for under this Section shall be liberally construed with a view toward doing substantial justice between the parties. Amendments to the Allegations of Noncompliance, Department's Statements of the Matters Asserted, Answers, and Petitions for Intervention may be allowed upon proper motion at any time during the pendency of the proceedings on such terms as shall be just and reasonable. (filed, September 13, 1978, effective, September 23, 1978)~~

g) ~~Venue shall be the location designated in the Notice of Administrative Hearing. Venue may be moved to another location only upon stipulation by all parties. All written documents provided for under this Section shall be liberally construed with a view toward~~

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entitlement to another continuance, or

B) there is a bonafide emergency or "act of God," or

C) all parties so stipulate.

Whenever possible as much of the hearing as possible shall be heard and only those matters that must be continued shall be continued.

Emergencies. If there is a bonafide unforeseen emergency, motions for a continuance may be made by telephone rather than in writing. Motions by telephone shall, whenever possible, be made through a conference call involving the Hearing Officer and all parties. (filed, October 14, 1980, effective, October 14, 1980)

h) Responses. Any party to a hearing may respond to any motion or petition. Responses shall be in writing unless made at a prehearing conference or a hearing. (filed, October 14, 1980, effective, October 14, 1980.)

i) All motions, petitions and other pleadings under this Section shall be filed with the Hearing Officer with a copy being sent to all other parties and intervenors. (filed, October 14, 1980, effective, October 14, 1980)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.8: Motions Forms of Paper

a) Motions, unless made during a hearing, shall be made in writing, shall set forth the relief or order sought and the legal authority for the action requested. Motions based on a matter which does not appear of record shall be supported by affidavit.

b)) Written motions shall be titled as to the party making the motion and the nature of the relief sought. Such title shall be in capital letters and shall be placed either below the caption or to the right of the caption beneath the docket number. No motion shall be identically titled with any other motion. Example: Respondent's Motion to Dismiss, Respondent's Second Motion to Dismiss.

c) Motions to the pleadings if not raised at the earliest opportunity shall be deemed waived. Motions to the pleadings shall not be granted if the pleadings are in conformity with Section 100.7.

d) The administrative law judge shall not have the authority to dismiss, postpone, vacate, or overturn an Order or Notice issued by the Director, but may make a recommendation

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doing substantial justice between the parties. (filed, September 13, 1978, effective, September 23, 1978)

h) **Motions.**

1) Motions, unless made during a hearing or the prehearing conference, shall be made in writing, shall set forth the relief or order sought, and shall be ruled upon on the day of such hearing, or prior to such hearing after notice to all parties and opportunity to heard on such motion. The requirement of writing is fulfilled if the motion is stated in a written Notice of Motion. Motions based on a matter which does not appear of record shall be supported by affidavit. (filed, September 13, 1978, effective, September 23, 1978)

2) Written motions shall be titled as to the party making the motion and the nature of the relief sought. Such title shall be in capital letters and shall be placed either below the caption or to the right of the caption beneath the docket number. No Motion shall be identically titled with any other Motion. Example: RESPONDENT'S MOTION TO DISMISS, RESPONDENT'S SECOND MOTION TO DISMISS. (filed, October 14, 1980, effective, October 14, 1980)

3) Motions to the Pleading. Motions to the pleadings if not raised at the earliest opportunity shall be deemed waived. Motions to the pleading shall not be granted if the pleadings are in conformity with Section 7 of these rules or the information sought is obtainable through discovery. (filed, October 14, 1980, effective, October 14, 1980)

4) Motions to postpone, vacate, or overturn an Order of the Department. The Hearing Officer shall not have the authority to postpone, vacate, or overturn an Order of the Department, but may make a recommendation to the Director any time before he issues the Hearing Officer's Report that an Interim Order be issued postponing, vacating, or overturning the Order if circumstances merit such a recommendation. (filed, October 14, 1980, effective, October 14, 1980)

5) Motions for a continuance. Motions for a continuance shall be granted only for good cause shown. Motions for a continuance shall be in writing and filed at least five (5) working days prior to the hearing. Motions for a continuance shall be made immediately when the party learns that a continuance is needed and statements as to when the party learned that a continuance was needed, steps that were taken to avoid the continuance, and the current reasons the continuance is needed shall be contained in the Motion. After one continuance has been granted to a party additional continuances may be granted to that party only, if:

A) a hearing on the issue of whether or not to grant the continuance has been held and the moving party presented sufficient evidence showing

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to the Director any time that circumstances merit such a recommendation.

- e) Motions for a continuance shall be granted only for good cause shown. Motions for a continuance shall be in writing and filed at least five (5) working days prior to the hearing. Motions for a continuance shall be made immediately when the party learns that a continuance is needed and statements as to when the party learned that a continuance was needed, steps that were taken to avoid the continuance, and the current reasons the continuance is needed shall be contained in the motion. After one continuance has been granted to a party additional continuances may be granted to that party only if:

- 1) a hearing on the issue of whether or not to grant the continuance has been held and the administrative law judge finds that the moving party has presented sufficient evidence showing entitlement to another continuance, or
- 2) there is an emergency, or
- 3) all parties so stipulate.

- f) Whenever possible as much of the hearing as possible shall be heard and only those matters that must be continued shall be continued.

- g) If there is an unforeseen emergency, motions for a continuance may be made by telephone rather than in writing. Motions by telephone shall be made through a conference call involving the administrative law judge and all parties and shall be confirmed within 3 business days by the filing of a written motion.

- h) Responses shall be in writing unless made at a prehearing conference or a hearing.

- i) On motion made by any party, the administrative law judge who is the subject of such motion shall determine whether he or she should be disqualified on the basis of bias or conflict of interest, and shall remove and replace the himself or herself if it is determined that bias or a conflict of interest exists. If the motion is granted, the Director shall appoint a new administrative law judge. AN ADVERSE RULING IN AND OF ITSELF, SHALL NOT CONSTITUTE BIAS OR CONFLICT OF INTEREST. (Section 10-30 of the IAPA)

- a) All papers filed in any proceedings except exhibits shall be typewritten or printed. If typewritten, the impression shall be on one side of the paper; long quotations shall be single spaced and indented. Mimeographed, multigraphed, hectographed, photostated papers, and the like, will be accepted as typewritten.

- b) All papers, except exhibits, shall be cut or folded so as not to exceed a width of 8 1/2 inches and a length of 11 inches and shall have inside margins not less than one (1) inch wide. Whenever practical, all exhibits of a documentary character shall conform to said

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requirements:

- e) All pleadings, written motions, or notices filed in the administrative proceedings shall be dated and signed in ink by the party filing the paper or his or her attorney.
- f) Pleadings, written motions, and notices contain the address of the party filing the paper or, if represented by an attorney, the name and business address of such attorney. (filed, October 14, 1980, effective, October 14, 1980)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.9: Form of Papers Service

- a) All papers filed in any proceedings except exhibits shall be typewritten or printed. Long quotations shall be single spaced and indented.

- b) All papers, except exhibits, shall be cut or folded so as not to exceed a width of 8 1/2 inches and a length of 11 inches and shall have inside margins not less than one (1) inch wide. Whenever practical, all exhibits of a documentary character shall conform to said requirements.

- c) All pleadings, written motions, or notices filed in the administrative proceedings shall be dated and signed in ink by the party filing the paper or his or her attorney.

- d) Pleadings, written motions, and notices shall contain the address of the party filing the paper or, if represented by an attorney, the name and business address of such attorney.

- a) ~~NOTICES UNDER paragraph (a) of Section 100.7 SHALL BE SERVED EITHER PERSONALLY OR BY CERTIFIED MAIL UPON ALL PARTIES OR THEIR AGENTS APPOINTED TO RECEIVE SERVICE OF PROCESS unless the applicable licensing statute requires a different form of service, in which case service shall conform to the statute. (filed, September 13, 1978, effective, September 23, 1978)~~

- b) ~~Service of pleadings or motions under Section 100.7 of these rules unless otherwise provided for in this Section shall be made by delivering in person or by depositing in the United States Mail properly addressed with postage prepaid, one copy to each party to the proceedings. When any party or parties have appeared by attorney, service upon the attorney shall be deemed service upon such party or parties. (filed, September 13, 1978, effective, September 23, 1978)~~

- e) ~~Proof of service under paragraph (b) of this Section shall be by certificate of attorney, affidavit or acknowledgment. (filed, September 13, 1978, effective, September 23, 1978)~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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Section 100.10: Service Pre-Hearing-Conferences

- a) Notices under Section 100.7 (a) shall be served either personally or by certified mail upon all parties or their agents appointed to receive service of process unless the applicable licensing statute requires a different form of service, in which case service shall conform to the statute.
- b) Service of pleadings or motions under this Section, unless otherwise provided for in this Section, shall be made by delivering in person or by depositing in the United States Mail, properly addressed with postage prepaid, one copy to each party to the proceedings. When any party or parties have appeared by attorney, service upon the attorney shall be deemed service upon such party or parties. All pleadings or motions under this Section shall also be served upon the administrative law judge.
- c) Proof of service under subsection (b) above shall be by certificate of attorney, affidavit or acknowledgment.
- d) A prehearing conference may be scheduled by the Hearing Officer or Department at their discretion or as a result of a request pursuant to paragraph (b) of this Section. This conference shall be held prior to the date of hearing and shall be for the purpose of considering:
- 1) the simplification of the issues;
 - 2) amendments to the pleadings;
 - 3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
 - 4) the limitation of the number of expert witnesses; and
 - 5) any other matters which may aid in the disposition of the hearing. (filed, September 13, 1978, effective, September 23, 1978)
- b) In any proceedings under these rules in which the Department has not scheduled a prehearing conference, any party to the proceedings may request the scheduling of a prehearing conference. Such request must be made in writing and received by Hearing Officer at least 72 hours prior to the scheduled date of hearing. The requesting party shall serve all other parties to the proceedings with a copy of the request. (filed, September 13, 1978, effective, September 23, 1978)
- e) Upon the receipt of a request for a prehearing conference in accordance with subsection paragraph (b) of this Section the Hearing Officer shall schedule the prehearing conference and notify all parties of the date, time and place of the conference. (filed, September 13,

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1978, effective, September 23, 1978)

- d) After a prehearing conference, the Hearing Officer shall make a report which recites any action taken by the Hearing Officer and any agreements made by the parties as to any of the matters considered and which specifies as the issues for hearing those not disposed of at the conference. (filed, September 13, 1978, effective, September 23, 1978)
- e) Any party may request additional prehearing conferences. The Hearing Officer, in his discretion, may deny or grant such a request. (filed, September 13, 1978, effective, September 2, 1978)
- f) A certified stenographic reporter (court reporter) will not be present at a prehearing conference unless one of the parties to the proceeding requests the Department to make arrangements for a court reporter to be present. Such request must be received by the Department at least two working days in advance of the scheduled prehearing conference. The party requesting the presence of the court reporter shall be billed directly for the attendance fee of the reporter. (filed, September 13, 1978, effective, September 23, 1978)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.11: Prehearing Conferences Conduct of Hearings

- a) A prehearing conference may be scheduled by the administrative law judge or Department at their discretion or as a result of a request pursuant to subsection (b) below. This conference shall be held prior to the date of hearing and shall be for the purpose of considering:
- 1) the simplification of the issues;
 - 2) amendments to the pleadings;
 - 3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
 - 4) the limitation of the number of expert witnesses; and
 - 5) any other matters which may aid in the disposition of the hearing.
- b) In any proceedings under this Section in which the Department has not scheduled a prehearing conference, any party to the proceedings may request the scheduling of a prehearing conference. Such request must be made in writing and received by the administrative law judge at least 5 days prior to the scheduled date of hearing. The requesting party shall serve all other parties to the proceedings with a copy of the request.
- c) Upon the receipt of a request for a prehearing conference in accordance with subsection

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(b) above, the administrative law judge shall schedule the prehearing conference and notify all parties of the date, time and place of the conference.

d) After a prehearing conference, the administrative law judge shall make a report which recites any action taken by the administrative law judge and any agreements made by the parties as to any of the matters considered.

e) Any party may request additional prehearing conferences. The administrative law judge, in his or her discretion, may deny or grant such a request.

f) A certified stenographic reporter (court reporter) will not be present at a prehearing conference unless one of the parties to the proceeding requests the Department to make arrangements for a court reporter to be present. Such request must be received by the Department at least two working days in advance of the scheduled prehearing conference. The party requesting the presence of the court reporter shall be billed directly for the attendance fee of the reporter.

g) All hearings conducted in any proceedings shall be open to the public. (filed, September 13, 1978, effective, September 23, 1978)

h) Hearings will be conducted by the Director or by a Hearing Officer appointed by the Director. If the Director conducts the hearings, any reference in these rules to the Hearing Officer shall be read to refer to the Director. (filed, September 13, 1978, effective, September 23, 1978)

i) The Hearing Officer shall conduct hearings; administer oaths; issue subpoenas; take depositions or cause the same to be taken; regulate the course of hearings; hold informal conferences for the settlement, simplification, or definition of issues; dispose of procedural requests, motions, and similar matters; continue the hearing from time to time when necessary; examine witnesses; and rule upon the admissibility of evidence and amendments to pleadings. (filed, September 13, 1978, effective, September 23, 1978)

j) The Hearing Officer shall direct all parties to enter their appearances on the record. (filed, September 13, 1978, effective, September 23, 1978)

k) At all hearings the Department shall open and close. Written opening arguments; written closing arguments; legal memorandum, trial briefs, or similar documents shall not be permitted unless all parties so stipulate. This rule shall not prohibit the hearing officer, sua sponte, from requesting that certain issues be briefed by the parties. (filed, October 14, 1980, effective, October 14, 1980)

l) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Unless precluded by law,

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disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default. (filed, September 13, 1978, effective, September 23, 1978)

g) At any stage of the hearing or after all parties have completed the presentation of their evidence, the Department or its Hearing Officer may call upon any party or the technical staff of the Department of Public Health or other Departments of State government or State Universities material or relevant evidence upon any issue. (filed, September 13, 1978, effective, September 23, 1978)

h) THE RULES OF EVIDENCE AND PRIVILEGE AS APPLIED IN CIVIL CASES IN THE CIRCUIT COURT OF THIS STATE SHALL BE FOLLOWED. HOWEVER, EVIDENCE NOT ADMISSIBLE UNDER SUCH RULES OF EVIDENCE MAY BE ADMITTED (EXCEPT WHERE PRECLUDED BY STATUTE) IF IT IS OF A TYPE COMMONLY RELIED UPON BY REASONABLE PRUDENT PERSONS IN THE CONDUCT OF THEIR AFFAIRS; IMMATERIAL, IRRELEVANT, OR UNDULY REPETITIOUS MATERIAL SHALL BE EXCLUDED. All admissible evidence shall be considered in accordance with its relative probative value in formulating the final decision of the Director and also in formulating the findings of fact and conclusions of law (if any) which support the decision. A copy of the whole or any part of an admissible book, record, paper, or memorandum of the Department which is made by photostatic or other method of accurate and permanent reproduction may be admitted in evidence at the hearing without further proof of the accuracy of such copy. When any material or relevant matter offered in evidence by any party is embraced in a book, paper, or document containing other matter not material or relevant, the party offering the same shall plainly designate the matter so offered. If, in the judgment of the Hearing Officer, such immaterial or irrelevant matter would unnecessarily encumber the record, such book, paper, or document will not be received in evidence as a whole but the material or relevant portions thereof, if otherwise admissible, may be read into the record or a true copy thereof supplied in the form of an exhibit. OBJECTIONS TO EVIDENTIARY OFFERS MAY BE MADE AND SHALL BE NOTED IN THE RECORD. (filed, September 13, 1978, effective, September 23, 1978)

i) OFFICIAL NOTICE MAY BE TAKEN OF MATTERS OF WHICH CIRCUIT COURTS OF THIS STATE MAY TAKE JUDICIAL NOTICE. IN ADDITION, OFFICIAL NOTICE MAY BE TAKEN OF GENERALLY RECOGNIZED TECHNICAL OR SCIENTIFIC FACTS WITHIN THE DEPARTMENT'S SPECIALIZED KNOWLEDGE. PARTIES SHALL BE NOTIFIED EITHER BEFORE OR DURING THE HEARING OR BY REFERENCE IN PRELIMINARY REPORTS OR OTHERWISE, OF THE MATERIAL NOTICED, INCLUDING ANY STAFF MEMORANDA OR DATA, AND THEY SHALL BE AFFORDED AN OPPORTUNITY TO CONTEST THE MATERIAL SO NOTICED. THE DEPARTMENT'S EXPERIENCE, TECHNICAL COMPETENCE AND SPECIALIZED KNOWLEDGE MAY BE UTILIZED IN THE EVALUATION OF EVIDENCE. (filed, September 13, 1978, effective, September 23, 1978)

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suit be dismissed without prejudice; or

- 6) ~~that any portion of his pleadings relating to that issue be stricken and, if thereby made appropriate, judgment be entered as to that issue. (filed, October 14, 1980, effective, October 14, 1980)~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.12: Hearings Subpoenas

- a) All hearings conducted in any proceedings shall be open to the public.
- b) Hearings will be conducted by the Director or by an administrative law judge appointed by the Director. If the Director conducts the hearings, any reference in this Section to the administrative law judge shall be read to refer to the Director.
- c) The administrative law judge shall conduct hearings; administer oaths; issue subpoenas; hold informal conferences for the settlement, simplification, or definition of issues; dispose of procedural requests, motions, and similar matters; continue the hearing from time to time when necessary; examine witnesses; and, rule upon the admissibility of evidence.
- d) The administrative law judge shall direct all parties to enter their appearances on the record.
- e) Written opening arguments and written closing arguments shall not be permitted unless all parties so stipulate.
- f) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Unless precluded by law, disposition may be made of any contested case by stipulation, agreed settlement, consent order, default, or by motion.
- g) At any stage of the hearing or after all parties have completed the presentation of their evidence, the administrative law judge may call for further testimony, subject to cross-examination by the parties.
- h) THE RULES OF EVIDENCE AND PRIVILEGE AS APPLIED IN CIVIL CASES IN THE CIRCUIT COURT OF THIS STATE SHALL BE FOLLOWED. HOWEVER, EVIDENCE NOT ADMISSIBLE UNDER SUCH RULES OF EVIDENCE MAY BE ADMITTED (EXCEPT WHERE PRECLUDED BY STATUTE) IF IT IS OF A TYPE COMMONLY RELIED UPON BY REASONABLE PRUDENT PERSONS IN THE CONDUCT OF THEIR AFFAIRS. IMMATERIAL, IRRELEVANT, OR UNDULY REPETITIOUS MATERIAL SHALL BE EXCLUDED. A copy of the whole or any part of an admissible book, record, paper, or memorandum of the Department which is made

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- j) ~~THE DEPARTMENT WILL ARRANGE FOR A CERTIFIED STENOGRAPHIC REPORTER (COURT REPORTER) TO MAKE A STENOGRAPHIC RECORD OF THE HEARINGS IN ALL ADMINISTRATIVE HEARINGS UNDER THESE RULES. Any person may make arrangements to obtain a copy of the stenographic record from the reporter. The Department reserves the right to employ a certified stenographic reporter. A copy of any stenographic record made by a Department employee may be purchased from the Department at a cost of fifty centers per page. (filed, September 13, 1978, effective, September 23, 1978)~~
- k) ~~Suggested corrections to the transcript of record may be offered within ten (10) days after the transcript is filed in the proceedings, unless the director or the Hearing Officer permits suggested corrections to be offered thereafter. Suggested corrections shall be served upon or brought to the attention of such party whose appearance is of record or his/her attorney, the official reporter, and the Hearing Officer. If suggested corrections are not objected to, the Hearing Officer will direct the corrections to be made and the manner of making them. In case the parties disagree on suggested corrections, they may be heard by the Hearing Officer, who shall then determine the manner in which the record shall be changed, if at all. (filed, September 13, 1978, effective, September 23, 1978)~~
- l) No exception need be taken to any ruling or action of the Department or of its Hearing Officer. (filed, September 13, 1978, effective, September 23, 1978)
- m) Venue shall be the location designated in the Notice of Administrative Hearing or Notice of an Opportunity for an Administrative Hearing. Venue may be moved to another location only upon stipulation by all parties. (filed, October 14, 1980, effective, October 14, 1980)
- n) If a party, or any person at the instance of or in collusion with a party, violates any of this Part these rules or ruling of the Hearing Officer, the Hearing Officer, on motion, may enter such orders as are just, including, among others, the following:
 - 1) that further proceedings be stayed until the order or rule is complied with;
 - 2) that the offending party be debarred from filing any other pleadings relating to any issue to which the refusal or failure relates;
 - 3) that he be debarred from maintaining any particular claim or defense relating to that issue;
 - 4) that a witness be barred from testifying concerning that issue;
 - 5) that, as to claims or defenses asserted in any pleading to which that issue is material, a judgment by default be entered against the offending party or that his

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by photostatic or other method of accurate and permanent reproduction may be admitted in evidence at the hearing without further proof of the accuracy of such copy. OBJECTIONS TO EVIDENTIARY OFFERS MAY BE MADE AND SHALL BE NOTED IN THE RECORD. (Section 10-40 of the IAPA)

- i) OFFICIAL NOTICE MAY BE TAKEN OF MATTERS OF WHICH CIRCUIT COURTS OF THIS STATE MAY TAKE JUDICIAL NOTICE. IN ADDITION, OFFICIAL NOTICE MAY BE TAKEN OF GENERALLY RECOGNIZED TECHNICAL OR SCIENTIFIC FACTS WITHIN THE DEPARTMENT'S SPECIALIZED KNOWLEDGE. PARTIES SHALL BE NOTIFIED EITHER BEFORE OR DURING THE HEARING, OR BY REFERENCE IN PRELIMINARY REPORTS OR OTHERWISE, OF THE MATERIAL NOTICED, INCLUDING ANY STAFF MEMORANDA OR DATA, AND THEY SHALL BE AFFORDED AN OPPORTUNITY TO CONTEST THE MATERIAL SO NOTICED. THE DEPARTMENT'S EXPERIENCE, TECHNICAL COMPETENCE AND SPECIALIZED KNOWLEDGE MAY BE UTILIZED IN THE EVALUATION OF EVIDENCE. (Section 10-40 of the IAPA)

- j) The Department will arrange for a certified stenographic reporter (court reporter) to make a stenographic record of the hearings in all administrative hearings under these rules. Any person may make arrangements to obtain a copy of the stenographic record from the reporter. The Department reserves the right to employ a certified stenographic reporter. A copy of any stenographic record made by a Department employee may be purchased from the Department at a cost of one dollar per page.

- k) Corrections to the transcript of the record may be made by the Director or the administrative law judge.

- l) If a party, or any person at the instance of or in collusion with a party, violates any ruling of the administrative law judge, the administrative law judge, on motion, may enter such orders as are just, including, among others, the following:

- 1) that further proceedings be stayed until the order or rule is complied with;
- 2) that the offending party be debarred from filing any other pleadings relating to any issue to which the refusal or failure relates;
- 3) that he or she be debarred from maintaining any particular claim or defense relating to that issues;
- 4) that a witness be barred from testifying concerning that issue;
- 5) that, as to claims or defenses asserted in any pleading to which that issue is material, an order of default be entered against the offending party or that his or

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her pleading be dismissed without prejudice; or

- 6) that any portion of his or her pleadings relating to that issue be stricken and, if thereby made appropriate, judgment be entered as to the issue.
- m) The inspection or investigation caseload of the Department shall be admitted. The preparer of the inspection or investigation case file may be subject to cross-examination upon notice to appear at the hearing.
- n) In any hearing conducted pursuant to this Section, the administrative law judge shall receive a photograph as competent evidence of the item depicted in the photograph. It is not a prerequisite to application of this Section that the money or property photographed be unavailable.
- o) At any time, the administrative law judge may order the removal of any person from the hearing room who is creating a disturbance whether by physical actions, profanity or otherwise engaging in conduct which disrupts the hearing;
- p) At the request of any party, the administrative law judge may exclude all witnesses from the hearing room, except that each party or a representative of a party, in addition to legal counsel, shall be allowed to remain.
- q) Subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records or memoranda may be issued by the Director or the Hearing Officer upon his/her own motion or upon the written request of any party to the proceeding. The Director or the Hearing Officer may require the party requesting the issuance of subpoenas to demonstrate the relevancy of the request to the issues in the hearing. For good cause shown, the Director or the Hearing Officer may deny or modify the request for subpoenas. (filed, September 13, 1978, effective, September 23, 1978)
- b) Subpoenas issued by the Director or the Hearing Officer upon the request of a party to the proceeding shall be delivered to the requesting party who shall be responsible for serving the subpoenas. Subpoenas shall be served personally or by certified mail. (filed, September 13, 1978, effective, September 23, 1978)
- e) The witness fee for attendance and travel shall be the same as the fee of the witnesses before the Circuit Courts of this State. When a witness is subpoenaed by the Director or Hearing Officer upon his/her own motion or upon the request of the Department, the witness fee shall be paid in the same manner as other expenses of the agency. (filed, September 13, 1978, effective, September 23, 1978)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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Section 100.13: Subpoenas Discovery and Depositions

- a) Subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records or memoranda may be issued by the Director or the administrative law judge upon his or her own motion or upon the written request of any party upon a showing of the relevancy of the request to the issues in the hearing. For good cause shown, the Director or the administrative law judge may deny or modify the request for subpoenas.
- b) Subpoenas issued by the Director or the administrative law judge upon the request of a party to the proceeding shall be delivered to the requesting party who shall be responsible for serving the subpoenas. Subpoenas shall be served personally or by certified mail within seven days before the date on which appearance is required.
- c) The witness fee for attendance and travel shall be the same as the fee of the witnesses before the Circuit Courts of this State. When a witness is subpoenaed by the Director or administrative law judge upon his or her own motion or upon the request of the Department, the witness fee shall be paid in the same manner as other expenses of the agency.
- d) The appearance at the hearing of a party or a person who at the time of the hearing is an officer, director, or employee of a party may be required by serving the party with a notice designating the person who is required to appear at least 7 days before the date on which appearance is required. The notice also may require the production at hearing of documents or tangible things.
- e) Subpoenas shall be enforced in the same manner as subpoenas issued by the Circuit Courts of this State.
- f) Each party to a proceeding shall upon a timely request serve upon all other parties to the proceeding a list of potential witnesses who may be called upon to testify at the hearing during its case in chief. Such list shall be served within seven (7) days after the request is received. The witness list shall be updated as discovery proceeds. (filed, October 14, 1980, effective, October 14, 1980)
- g) After service of a Notice, any party to the proceeding may obtain discovery in accordance with these rules. Discovery may be obtained through any of the following discovery methods: depositions upon oral or written questions, written interrogatories to parties, discovery or inspection of documents, property, and real or demonstrated evidence, duplication of discovery methods to obtain the same information should be avoided. All discovery shall be in a reasonable and timely manner. (filed, October 14, 1980, effective, October 14, 1980)
- h) The Scope of Discovery shall be the same as provided for by the Rules of the Illinois

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- Supreme Court unless otherwise stated in these rules. Discovery shall not be taken after the hearing has begun, except upon written motion showing that the discovery was unavailable before the hearing began and is necessary to the party. (filed, October 14, 1980, effective, October 14, 1980)
- d) Any party may take the testimony of any party or person by deposition upon oral examination for the purpose of discovery or for use as evidence in a hearing. If the party taking the deposition has reason to believe that the deponent will not be available for testimony at the hearing, the party shall in the Notice of Deposition designate the deposition as an evidence deposition. Any party who has reason to believe that any potential witness will not be available for testimony at the hearing shall promptly so notify all other parties so that an evidence deposition may be taken if desired. If a discovery deposition is desired, it shall be taken before the evidence deposition, unless the parties stipulate otherwise or the Hearing Office orders otherwise upon notice and motion. The notice, order, or stipulation to take a deposition shall specify whether the deposition is to be a discovery deposition or an evidence deposition. In the absence of such a specification a deposition is a discovery deposition only. (filed, October 14, 1980, effective, October 14, 1980)
- e) A party desiring to take the deposition of any person upon oral examination shall serve written notice a reasonable time in advance on all other parties. The notice shall state the time and place for taking the deposition; the name and address of each person to be examined, if known, or, if unknown, information sufficient to identify him; and whether the deposition is for purposes of discovery or use in evidence. The notice of deposition shall be accompanied by a copy of the subpoena served upon the person to be deposed. Parties shall appear or produce their employees upon Notice without subpoena. (filed, October 14, 1980, effective, October 14, 1980)
- f) Depositions upon written questions shall not be allowed unless the party to be deposed is residing out of State. The taking of depositions by written questions shall be in accordance with the Rules of the Illinois Supreme Court. (filed, September 13, 1978, effective, September 23, 1978)
- g) The party at whose instance the deposition is taken shall pay the fees of the witness and the charges of the recorder or stenographer for attending. The party at whose request a deposition is transcribed and filed shall pay the charges for transcription and filing. (filed, September 13, 1978, effective, September 23, 1978)
- h) Depositions may be used for any purpose that they could be used in the Circuit Court of this State. In addition, when the offering party did not have reason to believe that the witness would be unavailable for testimony at the hearing, the discovery deposition may also be used as depositions are used in the federal courts of the United States under Rule 22 of the Federal Rules of Civil Procedure. (filed, October 14, 1980, effective, October 14, 1980)

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i) ~~Interrogatories may be directed by any party to a proceeding to any other party. Interrogatories shall be served on all parties in a timely manner so as to allow the party they are directed to sufficient time to respond. Any party may petition the Hearing Officer to grant additional time to answer the interrogatories, or to limit or deny the right to interrogatories where they are not restricted to the issues of unnecessary burden or expense on the answering party. Answers to interrogatories may be used in evidence to the same extent as a discovery deposition. (filed, September 13, 1978; effective, September 23, 1978)~~

j) ~~All parties shall be under a continuing obligation to promptly update requested discovery until the hearing is concluded without the necessity for further or additional request. (filed, October 14, 1980, effective, October 14, 1980)~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.14: Scope of Discovery Hearing Officer's Report and Final Decision

a) ~~Prior to or at the prehearing conference, the Department shall provide a Respondent with a copy of all the Department's investigative reports relating to the Allegations of Noncompliance. If no pre-hearing conference is held, the Department shall provide copies of the investigative reports prior to the hearing.~~

b) ~~Upon written request served on the opposing party, any party shall be entitled to:~~

- 1) ~~the name and address of any witness who may be called to testify; and~~
- 2) ~~a description of any other evidence which may be offered.~~

c) ~~Within fifteen (15) working days prior to the commencement of a hearing, each party shall file all exhibits which it intends to offer into evidence at the hearing. Unless objected to in writing within ten (10) days of such filing, no objection to the admissibility of such exhibits shall be entertained.~~

d) ~~Absent a showing of cause, no document shall be offered as an exhibit in any hearing which was not disclosed in accordance with this Section or pursuant to order of administrative law judge, and no witness shall testify whose name was not included on a witness list.~~

e) ~~A Respondent shall be entitled to any exculpatory evidence in the Department's possession which tends to support Respondent's position or which might impeach the credibility of a Department witness.~~

f) ~~Upon a written request served on the Respondent, at any time after a notice or hearing request is filed, or at any stage of the hearing, the Respondent shall be required to~~

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~~produce within 7 days documents, books, records, or other evidence which relate directly to conduct of the business entity which is the subject of the administrative hearing.~~

g) ~~All parties shall be under a continuing obligation to promptly update requested discovery until the hearing is concluded without the necessity for further or additional request.~~

h) ~~Nothing contained herein shall preclude the parties from agreeing to the voluntary exchange of more information than is required.~~

i) ~~At the conclusion of a hearing at which the Director has not presided, the Hearing Officer shall make a written report of the hearing, with his findings of fact and conclusions of law and his recommendations; if any, to the Director which report shall be accompanied by a transcript of the record; all exhibits admitted into evidence, copies of all pleadings and documents or evidence made a part of the record and any other material which is deemed to be a part of the record. (filed, September 13, 1978; effective, September 23, 1978)~~

j) ~~If the Hearing Officer's recommendations are adverse to a party to the proceeding other than the Department, the Hearing Officer shall prepare for the Director's consideration a proposal for decision in accordance with the provisions of Section 100.15 of these rules. (filed, September 13, 1978; effective, September 23, 1978)~~

k) ~~If the Director has not presided at a hearing or has not read the record of the proceedings, the provisions of Section 100.15 of these rules shall be complied with prior to the Director entering a final decision. (filed, September 13, 1978; effective, September 23, 1978)~~

l) ~~WHEN THE DIRECTOR HAS NOT BEEN LICENSED TO PRACTICE MEDICINE AND SURGERY IN THE STATE, THE RECORD OF ANY CONTESTED CASE ON ISSUES AFFECTING MEDICAL OPERATIONS AND MEDICAL PROGRAMS (including the Proposal for Decision, Exceptions to Proposal for Decision, and Responses) SHALL BE REVIEWED BY THE MEDICAL DETERMINATION BOARD WHO SHALL THEN MAKE RECOMMENDATIONS TO THE DIRECTOR. (filed, December 9, 1981; effective, December 9, 1981)~~

m) ~~THE DIRECTOR SHALL ADOPT A FINAL DECISION IN EACH CASE SUPPORTED BY CONCISE FINDINGS OF FACT AND APPROPRIATE CONCLUSIONS OF LAW. THE DECISION AND SUPPORTING FINDINGS OF FACT AND CONCLUSIONS OF LAW SHALL BE MADE A PART OF THE OFFICIAL RECORD OF EACH HEARING. FINDINGS OF FACT, IF SET FORTH IN STATUTORY LANGUAGE, SHALL BE MADE A PART OF THE OFFICIAL RECORD OF EACH HEARING. FINDINGS OF FACT, IF SET FORTH IN STATUTORY LANGUAGE, SHALL BE ACCOMPANIED BY A CONCISE AND EXPLICIT STATEMENT OF THE UNDERLYING FACTS SUPPORTING THE~~

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FINDINGS. (filed, September 13, 1978, effective, September 23, 1978)

f) A COPY OF ANY DECISION OR ORDER OF THE DIRECTOR SHALL BE SERVED PERSONALLY OR BY CERTIFIED MAIL OR BY REGISTERED MAIL UPON ALL PARTIES OF RECORD OR THEIR AGENTS APPOINTED TO RECEIVE SERVICE. (filed, September 13, 1978, effective, September 23, 1978)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.15: Administrative Law Judge's Report and Recommendations Proposal for Decision

At the conclusion of a hearing at which the Director has not presided, the administrative law judge shall make a written report of the hearing, with his or her findings of fact and conclusions of law and his or her recommendations, if any, to the Director which report shall be accompanied by a transcript of the record, all exhibits admitted into evidence, copies of all pleadings and documents or evidence made a part of the record and any other material which is deemed to be a part of the record.

a) WHEN THE DIRECTOR HAS NOT HEARD THE CONTESTED CASE OR READ THE RECORD AND HIS FINAL DECISION WOULD BE ADVERSE TO ANY PARTY OTHER THAN THE DEPARTMENT, A PROPOSAL FOR DECISION SHALL BE SERVED UPON ALL PARTIES TO THE PROCEEDINGS. (filed, September 13, 1978, effective, September 23, 1978)

b) THE PROPOSAL FOR DECISION SHALL BE WRITTEN BY THE HEARING OFFICER. THE PROPOSAL FOR DECISION SHALL:

- 1) INDICATE THE PROPOSED ORDER;
- 2) CONTAIN A STATEMENT OF THE REASONS FOR THE PROPOSED DECISION;
- 3) CONTAIN A STATEMENT OF EACH ISSUE OF FACT OR LAW NECESSARY TO THE PROPOSED DECISION; AND
- 4) INDICATE THE TIME IN WHICH THE ADVERSELY AFFECTED PARTIES HAVE TO FILE WRITTEN EXCEPTIONS AND A BRIEF. (filed, September 13, 1978, effective, September 23, 1978)

e) Any party adversely affected by the proposed decision shall have at least 20 days from the receipt of the proposal for decision in which to file written exceptions and a brief. Failure to file written exceptions and a brief in the time provided for in the proposal for decision shall be deemed a waiver of the right to file exceptions and a brief. The Department shall have ten (10) days to respond to the exceptions and/or brief. (filed, October 14, 1980, effective, October 14, 1980)

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d) The proposal for decision shall be served on all parties personally or by certified mail. (filed, September 13, 1978, effective, September 23, 1978)

e) THE DIRECTOR IN HIS OR HER DISCRETION MAY PROVIDE FOR ORAL ARGUMENTS ON THE PROPOSAL FOR DECISION. If oral arguments are allowed, they shall be scheduled as convenient to both the Director and all parties.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.16: Proposal for Decision Records of Proceedings

a) When the Director has not heard the contested case or read the record and his or her final decision would be adverse to any party other than the Department, a proposal for decision shall be served upon all parties to the proceedings. The proposal for decision shall contain:

- 1) A STATEMENT OF THE REASONS for the proposed decision;
- 2) A STATEMENT OF EACH ISSUE OF FACT OR LAW NECESSARY TO THE PROPOSED DECISION (Section 10-45 of the IAPA).

b) THE PROPOSED DECISION SHALL BE PREPARED BY THE PERSONS WHO CONDUCTED THE HEARING OR ONE WHO HAS READ THE RECORD (Section 10-45 of the IAPA)

c) Any party adversely affected by the proposed decision shall have 20 days from the receipt of the proposal for decision in which to file written exceptions and a brief. Failure to file written exceptions and a brief in the time provided for in the proposal for decision shall be deemed a waiver of the right to file exceptions and a brief. The Department shall have ten (10) days to respond to the exceptions or brief.

d) The proposal for decision shall be served on all parties personally or by certified mail.

e) The Director in his or her discretion may provide for oral arguments on the proposal for decision. If oral arguments are allowed, they shall be scheduled as convenient to the Director.

f) A FULL AND COMPLETE RECORD SHALL BE KEPT OF ALL PROCEEDINGS. THE RECORD SHALL CONSIST OF THE FOLLOWING:

- 1) ALL PLEADINGS (INCLUDING ALL NOTICES AND RESPONSES THERETO), MOTIONS, AND RULINGS;

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- 2) a transcript of the hearing, if any, and ALL EVIDENCE RECEIVED;
- 3) A STATEMENT OF MATTERS OFFICIALLY NOTICED;
- 4) OFFERS OF PROOF, OBJECTIONS AND RULINGS THEREON;
- 5) PROPOSED FINDINGS AND EXCEPTIONS;
- 6) ANY DECISION, OPINION OR REPORT BY THE HEARING OFFICER;
- 7) ALL STAFF MEMORANDA OR DATA SUBMITTED TO THE HEARING OFFICER OR MEMBERS OF THE AGENCY IN CONNECTION WITH THEIR CONSIDERATION OF THE CASE;
- 8) ANY COMMUNICATION PROHIBITED BY SECTION 14 of the APA, BUT SUCH COMMUNICATIONS SHALL NOT FORM THE BASIS FOR ANY FINDING OF FACT. (filed, September 13, 1978, effective, September 23, 1978)

b) The record shall not contain:

- 1) Subpoenas
 - 2) Requests for Subpoenas
 - 3) Cover letters
 - 4) Notices of Filing
 - 5) Certificates of Mailing for regular mail
 - 6) Notices of Depositions
 - 7) Discovery Requests
- unless a party requests that the document or documents be included in the record. (filed, October 14, 1980, effective, October 14, 1980)

- e) The Department shall be the official custodian of the records of administrative hearings held before the Department. (filed, September 13, 1978, effective, September 23, 1978)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.17: Final Orders Miscellaneous

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- a) A written Final Order shall be issued in every contested case. A FINAL ORDER SHALL INCLUDE FINDINGS OF FACT AND CONCLUSIONS OF LAW, SEPARATELY STATED. ALL final ORDERS SHALL SPECIFY WHETHER THEY ARE FINAL AND SUBJECT TO THE Illinois ADMINISTRATIVE REVIEW LAW, III. Rev. Stat., 1991, ch. 110, par. 3-101 et seq., I ILCS 1, and any applicable licensing statute. (Section 10-50 of the IAPA).
- b) A final orders shall be served on PARTIES OR THEIR AGENTS APPOINTED TO RECEIVE SERVICE OF PROCESS EITHER PERSONALLY, BY REGISTERED OR CERTIFIED MAIL. (Section 10-50 of the IAPA)
- a) Ex-parte consultation. EXCEPT IN THE DISPOSITION OF MATTERS WHICH THEY ARE AUTHORIZED BY LAW TO ENTERTAIN OR DISPOSE OF ON AN EX PARTE BASIS, the Hearing Officer or Director SHALL NOT, AFTER NOTICE OF HEARING, COMMUNICATE DIRECTLY OR INDIRECTLY, IN CONNECTION WITH ANY OTHER ISSUE WITH ANY PARTY, HIS OR HER REPRESENTATIVE, or any person interested in the outcome of the proceeding. EXCEPT UPON NOTICE AND OPPORTUNITY FOR PARTIES TO PARTICIPATE. HOWEVER, A DEPARTMENT EMPLOYEE MAY COMMUNICATE WITH OTHER EMPLOYEES OF THE DEPARTMENT, AND the Hearing Officer or Director MAY HAVE THE AID AND ADVICE OF ONE OR MORE PERSONAL ASSISTANTS. (filed, October 14, 1980, effective, October 14, 1980)
- b) Advisory Boards. In licensing programs where by statute an Advisory Board has been established, the Department or the Hearing Officer may request the Advisory Board to make a recommendation on the disposition of a contested case; if such a recommendation is made, it will be made a part of the record. (filed, September 13, 1978, effective, September 23, 1978)
- e) Computation of Time. The time within which any act under these rules is to be done shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a holiday as defined or fixed by statute now or hereafter in force in this state, and then it shall also be excluded. If the day succeeding day shall also be excluded. (filed, September 13, 1978, effective, September 23, 1978)
- d) Construction of Rules. These rules shall not be construed to abrogate, modify, or limit any rights, privileges, or immunities granted or protected by the Constitution or laws of the United States or the Constitution or laws of the State of Illinois. In case of any conflict between these rules and the IAPA or a specific licensing statute, the terms of the latter shall control. (filed, September 13, 1978, effective, September 23, 1978)
- e) WAIVER. COMPLIANCE WITH ANY OR ALL PROVISIONS OF REGARDING CONTESTED CASE MAY BE WAIVED BY WRITTEN STIPULATION OF ALL PARTIES. (filed, September 13, 1978)

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(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.18 Records of Proceedings

a) A full and complete record shall be kept of all proceedings. THE RECORD SHALL CONSIST OF THE FOLLOWING:

- 1) ALL PLEADINGS (INCLUDING ALL NOTICES AND RESPONSES THERETO), MOTIONS, AND RULINGS;
- 2) a transcript of the hearing, if any, and ALL EVIDENCE RECEIVED;
- 3) A STATEMENT OF MATTERS OFFICIALLY NOTICED;
- 4) ANY OFFERS OF PROOF, OBJECTIONS AND RULINGS THEREON;
- 5) ANY PROPOSED FINDINGS AND EXCEPTIONS;
- 6) ANY DECISION, OPINION, OR REPORT BY THE ADMINISTRATIVE LAW JUDGE;
- 7) ALL STAFF MEMORANDA OR DATA SUBMITTED TO THE ADMINISTRATIVE LAW JUDGE OR MEMBERS OF THE AGENCY IN CONNECTION WITH THEIR CONSIDERATION OF THE CASE;
- 8) ANY COMMUNICATION PROHIBITED BY SECTION 10-60 OF THE IAPA. NO SUCH COMMUNICATIONS SHALL FORM THE BASIS FOR ANY FINDING OF FACT. (Section 10-35 of the IAPA)

b) The record shall not contain the following unless a party requests that the document or documents be included in the record:

- 1) Subpoenas;
- 2) Requests for Subpoenas;
- 3) Cover letters;
- 4) Notices of Filing;
- 5) Certificates of Mailing for regular mail; and
- 6) Discovery Requests;

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c) The Department shall be the official custodian of the records of administrative hearings held before the Department.

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 100.19 Miscellaneous

a) Ex parte consultation. EXCEPT IN THE DISPOSITION OF MATTERS THAT AGENCIES ARE AUTHORIZED BY LAW TO ENTERTAIN OR DISPOSE OF ON AN EX PARTE BASIS, the administrative law judge or Director SHALL NOT, AFTER NOTICE OF HEARING, COMMUNICATE DIRECTLY OR INDIRECTLY, IN CONNECTION WITH ANY OTHER ISSUE OF FACT, WITH ANY PERSON OR PARTY, HIS OR HER REPRESENTATIVE, or any person interested in the outcome of the proceeding. EXCEPT UPON NOTICE AND OPPORTUNITY FOR PARTIES TO PARTICIPATE. HOWEVER, AN AGENCY MEMBER MAY COMMUNICATE WITH OTHER MEMBERS OF THE AGENCY OR THE ADMINISTRATIVE LAW JUDGE MAY HAVE THE AID AND ADVICE OF ONE OR MORE PERSONAL ASSISTANTS.

1) AN EX PARTE COMMUNICATION RECEIVED BY ANY AGENCY HEAD, AGENCY EMPLOYEE, OR ADMINISTRATIVE LAW JUDGE SHALL BE MADE A PART OF THE RECORD OF THE PENDING MATTER, INCLUDING ALL WRITTEN COMMUNICATIONS, ALL WRITTEN RESPONSES TO THE COMMUNICATIONS, AND A MEMORANDUM STATING THE SUBSTANCE OF ALL ORAL COMMUNICATIONS AND ALL RESPONSES MADE AND THE IDENTITY OF EACH PERSON FROM WHOM THE EX PARTE COMMUNICATION WAS RECEIVED.

2) COMMUNICATIONS REGARDING MATTERS OF PROCEDURE AND PRACTICE, SUCH AS THE FORMAT OF PLEADINGS, NUMBER OF COPIES REQUIRED, MANNER OF SERVICE, AND STATUS OF PROCEEDINGS, ARE NOT CONSIDERED EX PARTE COMMUNICATIONS UNDER THIS SECTIONS. (Section 10-60 of the IAPA)

b) Computation of Time. The time within which any act under this Section is to be done shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a holiday as defined or fixed by statute now or hereafter in force in this State, and then it shall also be excluded. If the day succeeding the last day is a Saturday, Sunday or a holiday as defined or fixed by statute now or hereafter in force in this State, that day shall also be excluded.

c) Construction of Rules. In case of any conflict between this Part and the IAPA or a specific licensing statute, the terms of the latter shall control.

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- d) WAIVER. COMPLIANCE WITH ANY OR ALL PROVISIONS OF CONCERNING
CONTESTED CASES MAY BE WAIVED BY WRITTEN STIPULATION OF ALL
PARTIES. (Section 10-70 of the IAPA)

(Source: Added at 17 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part:

Sheltered Care Facilities Code

- 2) Code Citation:

77 Ill. Adm. Code 330

- 3) Section Numbers:

330.120
330.140
330.150
330.160
330.282

Proposed Action:

Amendments
Amendments
Amendments
Amendments
Amendments

- 4) Statutory Authority:

Nursing Home Care Act

(Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45/1-101 et seq. (1992)]

- 5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 330 govern the licensure of sheltered care facilities. These amendments include changes necessitated by recently enacted legislation.

Section 330.120 - The rules are being amended in response to P.A. 87-1102 (H.B. 3796, effective January 1, 1993), which amended Sections 3-103, 3-110, 3-212, 3-215, and 3-805 of the Nursing Home Care Act to provide for the issuance of two-year licenses. The two-year license includes a \$400 application fee and will be issued to facilities that meet the criteria set forth in Section 3-110 of the Act. The criteria are based on the facility's performance record for the past 24 months. The amendments to Section 330.120 include the addition of new statutory language and provisions for pro-rating fees for facilities that receive two-year licenses.

Section 330.140 - This Section is also being amended in response to P.A. 87-1102 to state that the licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section 3-110(b) of the Act for the last twenty-four consecutive months.

Section 330.150 - This Section is also being amended to reference the criteria for two-year licensure set forth in Section 3-110(b) of the Act.

Section 330.160 - Also in response to P.A. 87-1102, this Section is being amended to reflect a

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change in statutory language that deleted reference to a one-year renewal period.

Section 330.282 - This Section is being amended in response to P.A. 87-1056 (S.B. 1965, effective September 11, 1992), which amended the Nursing Home Care Act to permit the Department to assess a fine of not less than \$10,000 when death, serious mental or physical harm, permanent disability, or disfigurement results from a situation in which an "A" violation is issued. The amendments include correction of existing statutory language; addition of new statutory language concerning the assessment of fines; and reference to the criteria set forth in Section 330.286(a) of the rules, which are used by the Department to determine the amount of the fine.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes — No X

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes — No X

If "yes," please specify the date:

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes — No X

If "yes," please specify type: 6.02(a) — or 6.02(b) —

9) Are there any other Proposed Amendments Pending on this Part?

Yes X No —

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
330.1125	New Section	16 Ill. Reg. 16531
330.730	Amendments	16 Ill. Reg. 17540
330.175	Amendments	17 Ill. Reg. 1321
330.180	Amendments	17 Ill. Reg. 1321

330.270	Amendments	17 Ill. Reg. 1321
330.730	Amendments	17 Ill. Reg. 1321
330.916	Repealer	17 Ill. Reg. 1321
330.4210	Amendments	17 Ill. Reg. 1321
330.4330	Amendments	17 Ill. Reg. 1321

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Sheltered care facilities

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None

D) Types of Professional Skills Necessary for Compliance:

None

The full text of the Proposed Amendments begins on the next page:

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TITLE 77 PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 330

SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	Licensee
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.165	Criteria for Adverse License Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program: Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to Be Made Available to the Public By the Department
330.230	Information to Be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
EMERGENCY	
330.270	Monitor and Receivership
330.271	Presentation of Findings
EMERGENCY	
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
EMERGENCY	
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties
330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties

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330.290	Quarterly List of Violators
EMERGENCY	
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed
330.320	Waivers
330.330	Definitions
EMERGENCY	
330.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

330.510	Administrator
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SUBPART C: POLICIES

330.710	Resident Care Policies
330.720	Admission and Discharge Policies
330.730	Contract Between Resident and Facility
330.740	Residents' Advisory Council
330.750	General Policies
330.760	Personnel Policies
330.765	Initial Health Evaluation for Employees
330.770	Disaster Preparedness
330.780	Serious Incidents and Accidents

SUBPART D: PERSONNEL

330.910	Personnel
330.913	Nursing and Personal Care Assistants (Repealed)
330.916	Student Interns
330.920	Consultation Services
330.930	Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

330.1110	Medical Care Policies
330.1120	Personal Care
330.1130	Communicable Disease Policies
330.1135	Tuberculin Skin Test Procedures
330.1140	Behavior Emergencies

SUBPART F: RESTORATIVE SERVICES

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330.2420 Equipment and Supplies
SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

330.2610 Codes
330.2620 Water Supply
330.2630 Sewage Disposal
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 330.TABLE A Disaster Preparedness Parameters--Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45/1-101 et seq. (1992)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended

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ADDRESS OF ITS CHIEF EXECUTIVE OFFICER;

- 2) THE NAME AND LOCATION OF THE FACILITY FOR WHICH A LICENSE IS SOUGHT;
- 3) THE NAME OF THE PERSON OR PERSONS UNDER WHOSE MANAGEMENT OR SUPERVISION THE FACILITY WILL BE CONDUCTED;
- 4) THE NUMBER AND TYPE OF RESIDENTS FOR WHICH MAINTENANCE, PERSONAL CARE, OR NURSING IS TO BE PROVIDED; AND
- 5) SUCH INFORMATION RELATING TO THE NUMBER, EXPERIENCE, AND TRAINING OF THE EMPLOYEES OF THE FACILITY, ANY MANAGEMENT AGREEMENTS FOR THE OPERATION OF THE FACILITY, AND OF THE MORAL CHARACTER OF THE APPLICANT AND EMPLOYEES AS THE DEPARTMENT MAY DEEM NECESSARY. (Section 3-103(2) of the Act)

e) Ownership Change or Discontinuation

- 1) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when the facility is sold, or leased; or when operation is discontinued; or when operation is moved to a new location; or when the licensee (if an individual) dies; or when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be.

- 2) A license issued to a corporation shall become null, void and no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases.

- f) EACH INITIAL APPLICATION SHALL BE ACCOMPANIED BY A FINANCIAL STATEMENT SETTING FORTH THE FINANCIAL CONDITION OF THE APPLICANT AND BY A STATEMENT FROM THE UNIT OF LOCAL GOVERNMENT HAVING ZONING JURISDICTION OVER THE FACILITY'S LOCATION STATING THAT THE LOCATION OF THE FACILITY IS NOT IN VIOLATION OF A ZONING ORDINANCE. AN INITIAL APPLICATION FOR A NEW FACILITY SHALL BE ACCOMPANIED BY A PERMIT AS REQUIRED BY THE ILLINOIS HEALTH FACILITIES PLANNING ACT. AFTER THE APPLICATION IS APPROVED, THE APPLICANT SHALL ADVISE THE DEPARTMENT EVERY SIX MONTHS OF ANY CHANGES IN THE INFORMATION ORIGINALLY PROVIDED IN THE APPLICATION. (Section 3-103(3) of the Act)

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at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

Section 330.120 Application for License

- a) Any person acting individually or jointly with other persons who proposes to build, own, establish, or operate a sheltered care facility shall submit application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should be licensed. The application form and other required information shall be submitted and approved prior to surveys of the physical plant or review of building plans and specifications.

- b) An application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act (~~411 Rev. Stat. 1991, ch. 111 1/2, par. 1151 et seq.~~ (20 ILCS 3960/1 et seq. (1992))).

- c) APPLICATION for a license to establish or OPERATE a sheltered care FACILITY SHALL BE MADE in writing and submitted, with other such information as the Department may require, ON FORMS provided by the Department. (Section 3-103(f) of the Act)

- d) ALL APPLICATIONS, EXCEPT THOSE OF HOMES FOR THE AGED, SHALL BE ACCOMPANIED BY AN APPLICATION FEE OF 200 DOLLARS FOR AN ANNUAL LICENSE AND \$400 FOR A 2 YEAR LICENSE. THE APPLICATION SHALL BE UNDER OATH AND THE SUBMISSION OF FALSE OR MISLEADING INFORMATION SHALL BE A CLASS A MISDEMEANOR. THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:

- 1) THE NAME AND ADDRESS OF THE APPLICANT IF AN INDIVIDUAL, AND IF A FIRM, PARTNERSHIP, OR ASSOCIATION, OF EVERY MEMBER THEREOF, AND IN THE CASE OF A CORPORATION, THE NAME AND ADDRESS THEREOF AND OF ITS OFFICERS AND ITS REGISTERED AGENT, AND IN THE CASE OF A UNIT OF LOCAL GOVERNMENT, THE NAME AND

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g) The Department MAY ISSUE LICENSES OR RENEWALS FOR PERIODS OF NOT LESS THAN SIX (6) MONTHS NOR MORE THAN EIGHTEEN (18) MONTHS FOR FACILITIES WITH ANNUAL LICENSES AND NOT LESS THAN 18 MONTHS NOR MORE THAN 30 MONTHS FOR FACILITIES WITH 2-YEAR LICENSES IN ORDER FOR THE DEPARTMENT TO DISTRIBUTE THE EXPIRATION DATES OF ALL SUCH LICENSES THROUGHOUT THE CALENDAR YEAR. THE FEES FOR THESE SUCH LICENSES ARE SHALL BE PRO-RATED ON THE BASIS OF THE PORTION OF THE YEAR FOR WHICH THEY ARE ISSUED. (Section 3-110 of the Act) The pro-rated fee will be as follows:

- 1) Six (6) months to less than twelve (12) months -- \$150.00;
- 2) Twelve (12) months to eighteen (18) months -- \$200.00;
- 3) Nineteen (19) months to less than twenty-four (24) months -- \$350.00;
- 4) Twenty-four (24) months to thirty (30) months -- \$400.00.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 330.140 Issuance of an Initial License For a New Facility

a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE AND INSPECTION OF THE APPLICANT FACILITY, THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:

- 1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE YEARS; AND
- 2) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ACT AND THIS PART. (Section 3-109 of the Act)

b) The Department will issue a probationary license for 120 days from the date of issuance.

c) WITHIN 30 DAYS PRIOR TO THE TERMINATION OF A PROBATIONARY LICENSE, THE DEPARTMENT SHALL FULLY AND COMPLETELY INSPECT THE FACILITY AND, IF THE FACILITY MEETS THE APPLICABLE REQUIREMENTS FOR LICENSURE, SHALL ISSUE A LICENSE UNDER SECTION 3-109 OF THE ACT. If the facility is not in compliance and satisfactory progress toward compliance is not being

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made, the Department will allow the probationary license to expire. (Section 3-116 of the Act)

d) IF THE DEPARTMENT FINDS THAT THE FACILITY DOES NOT MEET THE REQUIREMENTS FOR LICENSURE BUT HAS MADE SUBSTANTIAL PROGRESS TOWARD MEETING THOSE REQUIREMENTS, THE LICENSE MAY BE RENEWED ONCE FOR A PERIOD NOT TO EXCEED 120 DAYS FROM THE EXPIRATION DATE OF THE INITIAL PROBATIONARY LICENSE. Under no condition may more than two successive probationary licenses be issued. (Section 3-116 of the Act)

c) ~~Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of approval by the Department.~~ The licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section 3-110(b) of the Act for the last twenty-four consecutive months.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 330.150 Issuance of an initial License due to a Change of Ownership

a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:

- 1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR TO PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE YEARS; AND
- 2) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ACT AND THIS PART. (Section 3-109 of the Act)

b) WHENEVER OWNERSHIP OF A FACILITY IS TRANSFERRED FROM THE PERSON NAMED IN A LICENSE TO ANY OTHER PERSON, THE TRANSFEREE MUST OBTAIN A NEW PROBATIONARY LICENSE. THE TRANSFEREE SHALL NOTIFY THE DEPARTMENT OF THE TRANSFER AND APPLY FOR A NEW LICENSE AT LEAST 30 DAYS PRIOR TO FINAL TRANSFER. (Section 3-112 of the Act)

c) THE TRANSFEROR SHALL NOTIFY THE DEPARTMENT AT LEAST 30 DAYS PRIOR TO FINAL TRANSFER. THE TRANSFEROR SHALL REMAIN RESPONSIBLE FOR THE OPERATION OF THE FACILITY UNTIL SUCH TIME AS THE LICENSE IS ISSUED TO THE NEW TRANSFEREE. (Section 3-112 of the Act)

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d) THE LICENSE GRANTED TO THE TRANSFEREE SHALL BE SUBJECT TO A PLAN OF CORRECTION SUBMITTED BY THE PREVIOUS OWNER AND APPROVED BY THE DEPARTMENT AND ANY CONDITIONS CONTAINED IN A CONDITIONAL LICENSE ISSUED TO THE PREVIOUS OWNER. IF THERE ARE OUTSTANDING VIOLATIONS AND NO PLAN OF CORRECTION HAS BEEN SUBMITTED BY THE FACILITY AND APPROVED BY THE DEPARTMENT, THE DEPARTMENT MAY ISSUE A CONDITIONAL LICENSE AND PLAN OF CORRECTION AS PROVIDED IN SECTION 3-311 THROUGH 3-317 OF THE ACT IN PLACE OF A PROBATIONARY LICENSE. (Section 3-113 of the Act)

e) THE TRANSFEROR SHALL REMAIN LIABLE FOR ALL PENALTIES ASSESSED AGAINST THE FACILITY WHICH ARE IMPOSED FOR VIOLATIONS OCCURRING PRIOR TO TRANSFER OF OWNERSHIP. (Section 3-114 of the Act)

f) The Department will issue a probationary license for 120 days from the date of issuance.

g) WITHIN 30 DAYS PRIOR TO THE TERMINATION OF A PROBATIONARY LICENSE, THE DEPARTMENT SHALL FULLY AND COMPLETELY INSPECT THE FACILITY AND, IF THE FACILITY MEETS THE APPLICABLE REQUIREMENTS FOR LICENSE, THE DEPARTMENT SHALL ISSUE A LICENSE UNDER SECTION 3-109 OF THE ACT. If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire. (Section 3-116 of the Act)

h) IF THE DEPARTMENT FINDS THAT THE FACILITY DOES NOT MEET THE REQUIREMENTS FOR LICENSE BUT HAS MADE SUBSTANTIAL PROGRESS TOWARD MEETING THOSE REQUIREMENTS, THE LICENSE MAY BE RENEWED ONCE FOR A PERIOD NOT TO EXCEED 120 DAYS FROM THE EXPIRATION DATE OF THE INITIAL PROBATIONARY LICENSE. Under no condition may more than two successive probationary licenses be issued. (Section 3-116 of the Act)

i) The issuance date of the probationary license to the new owner will be the date the last licensure requirement is met as determined by the Department. ~~Prior to actual receipt by the operator or the license certificate, the operator may begin operation upon receipt of approval by the Department.~~

j) The licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section 3-110(b) of the Act for the last twenty-four consecutive months.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 330.160 Issuance of a Renewal License

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AT LEAST 120 DAYS, BUT NOT MORE THAN 150 DAYS, PRIOR TO LICENSE EXPIRATION, THE LICENSEE SHALL SUBMIT AN APPLICATION FOR RENEWAL OF THE LICENSE IN SUCH FORM AND CONTAINING SUCH INFORMATION AS THE DEPARTMENT REQUIRES. IF THE APPLICATION IS APPROVED, AND THE FACILITY IS IN COMPLIANCE WITH ALL OTHER LICENSURE REQUIREMENTS, THE LICENSE SHALL BE RENEWED ~~FOR AN ADDITIONAL ONE-YEAR PERIOD.~~ (Section 3-115 of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 330.282 Conditions for Assessment of Penalties

The Department shall consider the assessment of a monetary penalty against a facility under the following conditions:

a) When a notice of violation for a level A violation is issued.

1) The penalty to be assessed for this violation shall be the greater of the following:

A) An amount NOT LESS THAN \$5000 as determined by the Director or his designee considering the factors outlined in Section 330.286(a), or

B) The total of the following:

i) \$.5 PER RESIDENT IN THE FACILITY, PLUS

ii) \$.20 PER RESIDENT FOR EACH DAY OF THE VIOLATION, COMMENCING ON THE DAY ON WHICH THE NOTICE OF VIOLATION IS RECEIVED ~~BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED.~~ SERVED UNDER SECTION 3-301 of the Act AND ENDING ON THE DATE THE VIOLATION IS CORRECTED.

C) WHEN DEATH, SERIOUS MENTAL OR PHYSICAL HARM, PERMANENT DISABILITY, OR DISFIGUREMENT RESULTS, A FINE OF NOT LESS THAN \$10,000 as determined by the Director or his designee considering the factors outlined in Section 330.286(a). (Section 3-305(1) of the Act)

2) The facility shall also be issued a conditional license for a period of six months as provided in Section 330.260.

b) When a facility fails to abate or eliminate a level A violation immediately or within the period set by the Department in the notice of violation pursuant to Section 330.276(a)(4)(A).

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- 1) The facility shall be cited for a repeat violation.
 - 2) The penalty to be assessed shall be three times the penalty computed under subsection (a)(1) of this Section.
 - 3) The license of the facility shall be revoked as provided in Section 330.180.
- c) When a notice of violation for a level B violation is issued.
- 1) The penalty to be assessed for this violation shall be the greater of the following:
 - A) An amount NOT LESS THAN \$500 as determined by the Director or his designee considering the factors outlined in Section 330.286(a), or
 - B) The total of the following:
 - i) \$3 PER RESIDENT IN THE FACILITY, PLUS
 - ii) \$.15 PER RESIDENT FOR EACH DAY OF THE VIOLATION, COMMENCING ON THE DAY DATE ON WHICH THE A NOTICE OF VIOLATION IS SERVED UNDER SECTION 3-301 of the Act AND ENDING ON THE DATE THE VIOLATION IS CORRECTED RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED. (Section 3-305(2) of the Act)
 - 2) Upon acceptance of a plan of correction by the Department, assessment of the penalty shall be suspended by the Department. No additional penalty shall be imposed for days during which the plan of correction is in effect.
 - d) When a facility fails to correct a level B violation within the time period specified in the plan of correction approved by the Department.
 - 1) The facility shall be cited for a repeat violation.
 - 2) The penalty to be assessed shall be computed in accordance with subsection (c)(1) of this Section. Days during which the plan of correction was in effect shall be included in the calculation of the penalty.
 - 3) The facility shall also be issued a conditional license for a period of at least six months as provided in Section 330.260.

e) WHEN A NOTICE OF VIOLATION IS ISSUED FOR A VIOLATION OF ARTICLE II

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OF THE ACT WITH REGARD TO THE RIGHTS OF A PARTICULAR RESIDENT OF THE FACILITY, THE DEPARTMENT SHALL ORDER THE FACILITY TO REIMBURSE THE RESIDENTS FOR ANY INJURIES INCURRED OR IF THE AMOUNT OF THE INJURIES IS LESS THAN \$100, THE DEPARTMENT SHALL ORDER THE FACILITY TO PAY \$100 TO THE RESIDENT. (Section 3-305(6) of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Skilled Nursing and Intermediate Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 300

3) Section Numbers:Proposed Action:

300.120 Amendments
300.140 Amendments
300.150 Amendments
300.160 Amendments
300.282 Amendments
300.2860 Amendments

4) Statutory Authority:

Nursing Home Care Act
(Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45/1-101 et seq. (1992)]

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 300 govern the licensure of skilled nursing and intermediate care facilities. These amendments include changes necessitated by recently enacted legislation.

Section 300.120 - The rules are being amended in response to P.A. 87-1102 (H.B. 3796, effective January 1, 1993), which amended Sections 3-103, 3-110, 3-212, 3-215, and 3-805 of the Nursing Home Care Act to provide for the issuance of two-year licenses. The two-year license includes a \$400 application fee and will be issued to facilities that meet the criteria set forth in Section 3-110 of the Act. The criteria are based on the facility's performance record for the past 24 months. The amendments to Section 300.120 include the addition of new statutory language and provisions for pro-rating fees for facilities that receive two-year licenses.

Section 300.140 - This Section is also being amended in response to P.A. 87-1102 to state that the licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section 3-110(b) of the Act for the last twenty-four consecutive months.

Section 300.150 - This Section is also being amended to reference the criteria for two-year licensure set forth in Section 3-110(b) of the Act.

Section 300.160 - Also in response to P.A. 87-1102, this Section is being amended to reflect a change in statutory language that deleted reference to a one-year renewal period.

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Section 300.282 - This Section is being amended in response to P.A. 87-1056 (S.B. 1965, effective September 11, 1992), which amended the Nursing Home Care Act to permit the Department to assess a fine of not less than \$10,000 when death, serious mental or physical harm, permanent disability, or disfigurement results from a situation in which an "A" violation is issued. The amendments include correction of existing statutory language; addition of new statutory language concerning the assessment of fines; and reference to the criteria set forth in Section 300.286(a) of the rules, which are used by the Department to determine the amount of the fine.

Section 300.2860 - The amendment to this Section corrects an inaccurate cross-reference in subsection (g)(3). The rule currently references Section 300.2930, which concerns plumbing systems and would require facilities to have a 3-compartment sink with one bowl of 14 inches or deeper in the soiled utility room. Such sinks may cost \$3000 and are unnecessary in a soiled utility room, where a standard-sized three-compartment sink would be sufficient. The reference will be changed to Section 300.2430, which concerns sterilization of equipment and supplies. In addition, the Department has made some grammatical and format changes in Section 300.2862.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(h) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☒ No ☐

If Yes: _____

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
300.1035	New Section	16 Ill. Reg. 16541
300.630	Amendments	16 Ill. Reg. 17555
300.175	Amendments	17 Ill. Reg. 1346
300.180	Amendments	17 Ill. Reg. 1346
300.270	Amendments	17 Ill. Reg. 1346
300.630	Amendments	17 Ill. Reg. 1346
300.660	Amendments	17 Ill. Reg. 1346
300.665	Amendments	17 Ill. Reg. 1346
300.3210	Amendments	17 Ill. Reg. 1346
300.3330	Amendments	17 Ill. Reg. 1346

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Skilled Nursing and Intermediate Care Facilities

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensure
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
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AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.). [210 ILCS 45/1-101 et seq. (1992)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22,

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1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 544, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993 for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

Section 300.120

Application for License

a) Any person acting individually or jointly with other persons who proposes to build, own, establish, or operate an intermediate care facility or skilled nursing facility shall submit application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should be licensed. Application forms and other required information shall be submitted and approved prior to surveys of the physical plan or review of building plans and specifications.

b) An application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act (~~411 ILCS 1989, ch. 111-1/2, par. 11-11-1 et seq.~~) (20 ILCS 3960/1 et seq. (1992)).

c) APPLICATION for a license to establish or OPERATE an intermediate care facility or skilled nursing FACILITY SHALL BE MADE in writing and submitted, with other such information as the Department may require, ON FORMS provided by the Department. (Section 3-103(1) of the Act)

d) ALL APPLICATIONS, EXCEPT THOSE OF HOMES FOR THE AGED, SHALL BE ACCOMPANIED BY AN APPLICATION FEE OF 200 DOLLARS FOR AN ANNUAL LICENSE AND \$400 FOR A 2 YEAR LICENSE. THE APPLICATION SHALL BE UNDER OATH AND THE SUBMISSION OF FALSE OR MISLEADING INFORMATION SHALL BE A CLASS A MISDEMEANOR. THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:

- 1) THE NAME AND ADDRESS OF THE APPLICANT IF AN INDIVIDUAL, AND IF A FIRM, PARTNERSHIP, OR ASSOCIATION, OF EVERY MEMBER THEREOF, AND IN THE CASE OF A CORPORATION, THE NAME AND ADDRESS THEREOF AND OF ITS OFFICERS AND ITS REGISTERED AGENT, AND IN THE CASE OF A UNIT OF LOCAL GOVERNMENT, THE NAME AND ADDRESS OF ITS CHIEF EXECUTIVE OFFICER;
- 2) THE NAME AND LOCATION OF THE FACILITY FOR WHICH A LICENSE IS SOUGHT;
- 3) THE NAME OF THE PERSON OR PERSONS UNDER WHOSE MANAGEMENT OR SUPERVISION THE FACILITY WILL BE CONDUCTED;
- 4) THE NUMBER AND TYPE OF RESIDENTS FOR WHICH MAINTENANCE, PERSONAL CARE, OR NURSING IS TO BE PROVIDED; AND
- 5) SUCH INFORMATION RELATING TO THE NUMBER, EXPERIENCE, AND TRAINING OF THE EMPLOYEES OF THE FACILITY, ANY MANAGEMENT AGREEMENTS FOR THE OPERATION OF THE FACILITY, AND OF THE MORAL CHARACTER OF THE APPLICANT AND EMPLOYEES AS THE DEPARTMENT MAY DEEM NECESSARY. (Section 3-103(2) of the Act)

c) Ownership Change or Discontinuation

- 1) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when the facility is sold, or leased; or when operation is discontinued; or when operation is moved to a new location; or when the licensee (if an individual) dies; or when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be.

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- 2) A license issued to a corporation shall become null, void and of no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases.

f) EACH INITIAL APPLICATION SHALL BE ACCOMPANIED BY A FINANCIAL STATEMENT SETTING FORTH THE FINANCIAL CONDITION OF THE APPLICANT AND BY A STATEMENT FROM THE UNIT OF LOCAL GOVERNMENT HAVING ZONING JURISDICTION OVER THE FACILITY'S LOCATION STATING THAT THE LOCATION OF THE FACILITY IS NOT IN VIOLATION OF A ZONING ORDINANCE. AN INITIAL APPLICATION FOR A NEW FACILITY SHALL BE ACCOMPANIED BY A PERMIT AS REQUIRED BY THE ILLINOIS HEALTH FACILITIES PLANNING ACT. AFTER THE APPLICATION IS APPROVED, THE APPLICANT SHALL ADVISE THE DEPARTMENT EVERY SIX MONTHS OF ANY CHANGES IN THE INFORMATION ORIGINALLY PROVIDED IN THE APPLICATION. (Section 3-103(3) of the Act)

g) The Department MAY ISSUE LICENSES OR RENEWALS FOR PERIODS OF NOT LESS THAN SIX (6) MONTHS NOR MORE THAN EIGHTEEN (18) MONTHS FOR FACILITIES WITH ANNUAL LICENSES AND NOT LESS THAN 18 MONTHS NOR MORE THAN 30 MONTHS FOR FACILITIES WITH 2-YEAR LICENSES IN ORDER FOR THE DEPARTMENT TO DISTRIBUTE THE EXPIRATION DATES OF ALL SUCH LICENSES THROUGHOUT THE CALENDAR YEAR. THE FEES FOR THESE SUCH LICENSES ARE SHALL BE PRO-RATED ON THE BASIS OF THE PORTION OF THE YEAR FOR WHICH THEY ARE ISSUED. (Section 3-110 of the Act) The prorated fee will be as follows:

- 1) Six (6) months to less than twelve (12) months - \$150.00;
- 2) Twelve (12) months to eighteen (18) months - \$100.00;
- 3) Nineteen (19) months to less than twenty-four (24) months - \$350.00;
- 4) Twenty-four (24) months to thirty (30) months - \$400.00.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 300.140

Issuance of an Initial License for a New Facility

- a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE AND INSPECTION OF THE APPLICANT FACILITY, THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:

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- 1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE YEARS;
- 2) THE FACILITY IS UNDER THE SUPERVISION OF AN ADMINISTRATOR WHO IS LICENSED UNDER THE NURSING HOME ADMINISTRATORS LICENSING AND DISCIPLINARY ACT (4th Rev. Stat. 1991, ch. 111, par. 3451 et seq.) (225 ILCS 70/1 (1992)); AND
- 3) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ACT AND THIS PART. (Section 3-109 of the Act)

b) The Department will issue a probationary license for 120 days from date of issuance.

c) WITHIN 30 DAYS PRIOR TO THE TERMINATION OF A PROBATIONARY LICENSE, THE DEPARTMENT SHALL FULLY AND COMPLETELY INSPECT THE FACILITY AND, IF THE FACILITY MEETS THE APPLICABLE REQUIREMENTS FOR LICENSURE, SHALL ISSUE A LICENSE UNDER SECTION 3-109 OF THE ACT. (Section 3-116 of the Act) If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire.

d) IF THE DEPARTMENT FINDS THAT THE FACILITY DOES NOT MEET THE REQUIREMENTS FOR LICENSURE BUT HAS MADE SUBSTANTIAL PROGRESS TOWARD MEETING THOSE REQUIREMENTS, THE LICENSE MAY BE RENEWED ONCE FOR A PERIOD NOT TO EXCEED 120 DAYS FROM THE EXPIRATION DATE OF THE INITIAL PROBATIONARY LICENSE. (Section 3-116 of the Act) Under no condition may more than two successive probationary licenses be issued.

e) ~~Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of approval by the Department. The licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section 3-110(b) of the Act for the last twenty-four consecutive months.~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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Section 300.150 Issuance of an Initial License Due to a Change of Ownership

- a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:

1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR TO PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE YEARS;

2) THE FACILITY IS UNDER THE SUPERVISION OF AN ADMINISTRATOR WHO IS LICENSED UNDER THE NURSING HOME ADMINISTRATORS LICENSING AND DISCIPLINARY ACT; AND

3) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ACT AND THIS PART. (Section 3-109 of the Act)

b) WHENEVER OWNERSHIP OF A FACILITY IS TRANSFERRED FROM THE PERSON NAMED IN A LICENSE TO ANY OTHER PERSON, THE TRANSFEREE MUST OBTAIN A NEW PROBATIONARY LICENSE. THE TRANSFEREE SHALL NOTIFY THE DEPARTMENT OF THE TRANSFER AND APPLY FOR A NEW LICENSE AT LEAST 30 DAYS PRIOR TO FINAL TRANSFER. (Section 3-112 of the Act)

c) THE TRANSFEROR SHALL NOTIFY THE DEPARTMENT AT LEAST 30 DAYS PRIOR TO FINAL TRANSFER. THE TRANSFEROR SHALL REMAIN RESPONSIBLE FOR THE OPERATION OF THE FACILITY UNTIL SUCH TIME AS THE LICENSE IS ISSUED TO THE NEW TRANSFEREE. (Section 3-112 of the Act)

d) THE LICENSE GRANTED TO THE TRANSFEREE SHALL BE SUBJECT TO ANY PLAN OF CORRECTION SUBMITTED BY THE PREVIOUS OWNER AND APPROVED BY THE DEPARTMENT AND ANY CONDITIONS CONTAINED IN A CONDITIONAL LICENSE ISSUED TO THE PREVIOUS OWNER. IF THERE ARE OUTSTANDING VIOLATIONS AND NO PLAN OF CORRECTION HAS BEEN SUBMITTED BY THE FACILITY AND APPROVED BY THE DEPARTMENT, THE DEPARTMENT MAY ISSUE A CONDITIONAL LICENSE AND PLAN OF CORRECTION AS PROVIDED IN SECTIONS 3-311 THROUGH 3-317 OF THE ACT IN PLACE OF A PROBATIONARY LICENSE. (Section 3-113 of the Act)

e) THE TRANSFEROR SHALL REMAIN LIABLE FOR ALL PENALTIES ASSESSED AGAINST THE FACILITY WHICH ARE IMPOSED FOR VIOLATIONS OCCURRING PRIOR TO TRANSFER OR OWNERSHIP. (Section 3-114 of the Act)

f) The Department will issue a probationary license for 120 days from date of issuance.

g) WITHIN 30 DAYS PRIOR TO THE TERMINATION OF PROBATIONARY LICENSE, THE DEPARTMENT SHALL FULLY AND COMPLETELY INSPECT THE FACILITY AND, IF THE FACILITY MEETS THE APPLICABLE REQUIREMENTS FOR LICENSE, SHALL ISSUE A LICENSE UNDER SECTION 3-109 OF THE ACT. (Section 3-116 of the Act) If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire.

h) IF THE DEPARTMENT FINDS THAT THE FACILITY DOES NOT MEET THE REQUIREMENTS FOR LICENSE BUT HAS MADE SUBSTANTIAL PROGRESS TOWARD MEETING THOSE REQUIREMENTS, THE LICENSE MAY BE RENEWED ONCE FOR A PERIOD NOT TO EXCEED 120 DAYS FROM THE EXPIRATION DATE OF THE INITIAL PROBATIONARY LICENSE. (Section 3-116 of the Act) Under no condition may more than two successive probationary licenses be issued.

i) The issuance date of the probationary license to the new owner will be the date the last licensure requirement is met as determined by the Department. ~~Prior to actual receipt by the operator of the license certificate, the operator may begin upon receipt of approval by the Department.~~

j) The licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section 3-110 (b) of the Act for the last twenty-four consecutive months.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 300.160

Issuance of a Renewal License

AT LEAST 120 DAYS, BUT NOT MORE THAN 150 DAYS, PRIOR TO LICENSE EXPIRATION, THE LICENSEE SHALL SUBMIT AN APPLICATION FOR RENEWAL OF THE LICENSE IN SUCH FORM AND CONTAINING SUCH INFORMATION AS THE DEPARTMENT REQUIRES. IF THE APPLICATION IS APPROVED, AND THE FACILITY IS IN COMPLIANCE WITH ALL OTHER LICENSE REQUIREMENTS, THE LICENSE SHALL BE RENEWED FOR AN ADDITIONAL ONE-YEAR PERIOD.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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Section 300.282 Conditions for Assessment of Penalties

subsection (a)(1) of this Section.

The Department shall consider the assessment of a monetary penalty against a facility under the following conditions:

3) The license of the facility shall be revoked as provided in Section 300.180.

- a) When a notice of violation for a level A violation is issued.

c) When a notice of violation for a level B violation is issued.

- 1) The penalty to be assessed for this violation shall be the greater of the following:

A) An amount NOT LESS THAN \$5,000 as determined by the Director or his designee considering the factors outlined in Section 300.286(a), or

B) The total of the following:

i) \$5 PER RESIDENT IN THE FACILITY, PLUS

ii) \$20 PER RESIDENT FOR EACH DAY OF THE VIOLATION, COMMENCING ON THE DAY ON WHICH THE NOTICE OF VIOLATION IS SERVED UNDER SECTION 3-301 of the Act AND ENDING ON THE DATE THE VIOLATION IS CORRECTED RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED. (Section 3-305(f) of the Act), or

C) WHEN DEATH, SERIOUS MENTAL OR PHYSICAL HARM, PERMANENT DISABILITY, OR DISFIGUREMENT RESULTS, A FINE OF NOT LESS THAN \$10,000 as determined by the Director or his designee considering the factors outlined in Section 300.286(a), (Section 3-305(1) of the Act)

- 2) The facility shall also be issued a conditional license for a period of six months as provided in Section 300.260.

b) When a facility fails to abate or eliminate a level A violation immediately or within the period set by the Department in the notice of violation pursuant to Section 300.276(a)(4)(A).

- 1) The facility shall be cited for a repeat violation.

- 2) The penalty to be assessed shall be three times the penalty computed under

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subsection (a)(1) of this Section.

3) The license of the facility shall be revoked as provided in Section 300.180.

- a) When a notice of violation for a level A violation is issued.

c) When a notice of violation for a level B violation is issued.

- 1) The penalty to be assessed for this violation shall be the greater of the following:

A) An amount NOT LESS THAN \$500 as determined by the Director or his designee considering the factors outlined in Section 300.286(a), or

B) The total of the following:

i) \$3 PER RESIDENT IN THE FACILITY, PLUS

ii) \$15 PER RESIDENT FOR EACH DAY OF THE VIOLATION, COMMENCING ON THE DAY DATE ON WHICH THE A NOTICE OF VIOLATION IS SERVED UNDER SECTION 3-301 of the Act AND ENDING ON THE DATE THE VIOLATION IS CORRECTED RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED. (Section 3-305(2) of the Act)

- 2) Upon acceptance of a plan of correction by the Department, assessment of the penalty shall be suspended by the Department. No additional penalty shall be imposed for days during which the plan of correction is in effect.

d) When a facility fails to correct a level B violation within the time period specified in the plan of correction approved by the Department.

- 1) The facility shall be cited for a repeat violation.

- 2) The penalty to be assessed shall be computed in accordance with subsection (c)(1) of this Section. Days during which the plan of correction was in effect shall be included in the calculation of the penalty.

- 3) The facility shall also be issued a conditional license for a period of at least six months as provided in Section 300.260.

c) WHEN A NOTICE OF VIOLATION IS ISSUED FOR A VIOLATION OF ARTICLE II OF THE ACT WITH REGARD TO THE RIGHTS OF A PARTICULAR

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RESIDENT OF THE FACILITY, THE DEPARTMENT SHALL ORDER THE FACILITY TO REIMBURSE THE RESIDENTS FOR ANY INJURIES INCURRED OR IF THE AMOUNT OF THE INJURIES IS LESS THAN \$100, THE DEPARTMENT SHALL ORDER THE FACILITY TO PAY \$100 TO THE RESIDENT. (Section 3-305(7) of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 300.2860 Nursing Unit

- a) The number of resident beds in a nursing unit shall not exceed 75 beds.
- 1) Not less than 60 percent of the resident beds shall be in one or two bed rooms.
 - 2) Not less than three percent of the total number of the beds in the facility shall be located in single bed rooms with a private bath, water closet and lavatory.
- b) General Requirements for Bedrooms
- 1) Resident bedrooms shall have an entrance directly off a corridor with an entrance door which swings into the room.
 - 2) Resident bedrooms shall have adequate and satisfactory artificial light and be equipped in accordance with Section 300.2940(a)(2) and (c)(1).
 - 3) Residents shall have access to a toilet room without entering the general corridor area.
 - 4) The facility shall ~~P~~provide a closet or wardrobe of at least four square feet for each resident.
 - 5) Residents bedroom floors shall be at or above grade level.
 - 6) Each room used as a resident bedroom shall have at least one outside window, and a total window area to the outside equal to at least one-tenth the floor area of the room.
 - 7) A ~~Nurses'~~ call system shall be provided in accordance with Section 300.2940(g). (B)
 - 8) Complete visual privacy shall be provided for each resident in multibed rooms. Design for privacy shall not restrict resident access to the entry, lavatory, nor toilet.

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- 9) No resident bedroom shall be located more than 120 feet from the nurses' station, clean utility room, and soiled utility room.
- c) Resident Bedrooms
- 1) Single resident bedrooms shall contain at least 100 square feet. Multiple resident bedrooms shall contain at least 80 square feet per bed. Minimum usable floor area shall be exclusive of toilet rooms, closets, lockers, wardrobes, alcoves, vestibules, or clearly definable entryways.
 - 2) Multiple resident bedrooms shall not have more than four beds nor more than three beds deep from an outside wall. All beds shall have a minimum clearance of three feet at the foot and sides of the bed.
- d) Special Care Room
- 1) The facility shall ~~P~~provide a special care room for each nursing unit.
 - 2) ~~Provide~~ This room shall be provided with a private toilet room containing water closet, lavatory, bathtub or shower and all other necessary facilities to meet the resident's needs. (B)
 - 3) This room shall be located to allow direct visual supervision from the nurses' station.
 - 4) This room shall be included in the authorized maximum bed capacity for the facility.
 - 5) It is permissible for the room to be occupied by a resident, not in need of special care, provided the resident is clearly informed and understands ~~they~~ he or she will be immediately transferred out of the room any time of day or night, whenever the room is needed to care for a resident requiring special care.
- c) Nurses' Station (B)
- 1) The facility shall ~~P~~provide a minimum of one nursing station per unit with direct access to the corridor for each nursing unit. The location of this station shall allow visual control without the use of mirrors of each resident sleeping corridor. Separation shall be provided from the utility rooms.
 - 2) One or more nursing units may be combined at a central nursing station if sufficient space is provided for all nursing functions.

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- 3) A lounge with toilet room shall be provided near each station for nursing staff. Lockers for safekeeping of coats and personal effects may be provided within this space or in a convenient central location.

f) Bath and Toilet Rooms

- 1) The resident bedroom toilet room shall serve no more than two resident rooms nor more than eight beds. The toilet room shall contain a water closet and a lavatory. The lavatory may be omitted from the toilet room when the resident room contains a lavatory.

- 2) The facility shall provide one wheelchair resident toilet room for each sex residing in a nursing unit. The room shall be accessible from the corridor. This room shall contain a water closet and lavatory.

- 3) Wheelchair resident toilet rooms are not required when all resident toilet rooms can accommodate wheelchair residents.

- 4) The facility shall provide one training toilet room on each nursing floor, that which is accessible from the corridor. ~~Provide~~ Three-foot clearance at the front and both sides of the water closet shall be provided. This room shall contain a lavatory accessible for wheelchair use.

- 5) The facility shall provide one bathtub or shower for ten resident beds per nursing unit which are not served by bathing or showering facilities in resident rooms.

- 6) All shower stalls for residents not needing assistance shall be at least three feet square and shall have no curb.

- 7) The facility shall provide at least one bathtub for assisted bathing per nursing unit. There shall be a clear area at least three feet wide at both sides and one end of the tub.

- 8) The facility shall provide at least one shower stall for assisted showering per nursing unit. The shower stall shall be at least four feet square with no curb.

- 9) The facility shall provide a toilet room with a water closet and lavatory, accessible to the assisted bathtub and shower without entering the general corridor. This room may be arranged to serve as the training toilet facility.

- 10) Grouped bathing and toilet facilities shall be partitioned or curtained for privacy.

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g) Utility Rooms

- 1) The ~~clean~~ utility room shall have direct access to a corridor, or access may be through the nurses' station entrance. This room shall contain work counters, single or double compartment sink with integral drainboard, storage cabinets, and an autoclave. (Autoclave may be waived in lieu of other methods if sterilization is approved by Department.)

- 2) A ~~clean~~ linen storage room or closet within the clean utility room shall be provided. If a closed cart system is used, storage may be in an alcove.

- 3) The ~~soiled~~ utility room shall have direct access to a corridor. This room shall contain work counters, storage cabinets, and a clinical rim flush sink. The room shall also contain a three compartment sink with integral drainboard if a utensil sanitizer is used (See Section 300.243(2)(3)).

- 4) The charging room for a linen chute shall be large enough to unload the collecting cart with the door closed.

h) Medication Facilities

- 1) A ~~medication~~ station shall be provided for convenient and prompt 24 hour distribution of medicine to residents. The medicine preparation room shall be under the nursing staff's visual control and contain a work counter, refrigerator, and locked storage for biologicals and drugs. A sink ~~provision~~ for handwashing and preparation of medication ~~purposes~~ shall be provided in the medication preparation room.

- 2) If medicine dispensing carts are used, a specific storage space for the cart shall be provided, which may be located in the nurses' station or in an alcove or other space under the direct control of the nursing staff. A sink ~~provision~~ for handwashing and preparation of medication ~~purposes~~ shall be provided in the nurses' station.

- i) A ~~nourishment~~ station shall be provided with a handwashing sink and equipment, including refrigerator, and storage cabinets for serving nourishment between scheduled meals. Ice for residents' use shall be provided only by icemaker dispenser units.

- j) A ~~room~~ for examination and treatment of residents shall be provided and shall have a minimum floor area of 100 square feet, excluding space for vestibule, closets and work counters (whether fixed or movable). The minimum room dimension shall be ten feet. The room shall contain a lavatory or sink equipped for handwashing; a work counter; storage facilities; and a desk, counter, or shelf space for writing.

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- 1) Heading of the Part:**

WIC Vendor Management Code

- 2) Code Citation:

77 Ill. Adm. Code 672

- 3) Section Numbers:

Proposed Action:

672.100	Amendment
672.105	Amendment
672.115	Amendment
672.205	Amendment
672.210	Amendment
672.220	Amendment
672.225	Amendment
672.300	Amendment
672.310	Amendment
672.315	Amendment
672.405	Amendment
672.415	Amendment
672.420	Amendment
672.425	Amendment
672.435	Amendment
672.440	Amendment
672.450	Amendment
672.505	Amendment
672.510	Amendment
672.515	Amendment
672.520	Amendment
672.600	Amendment
672.605	Amendment
672.610	Amendment
672.615	Amendment
672.620	Amendment
672.640	Amendment
672.645	Amendment
672.650	Amendment
672.660	Amendment
672.665	Amendment

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10) Statement of Statewide Policy Objectives:

This rulemaking will not expand, contract or create a state mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 5535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

Type of Small Businesses Affected:

Grocery Stores, Pharmacies, and dairv stores.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Maintenance of original purchase records, and reporting of food prices.

D) Types of Professional Skills Necessary for Compliance:

N/A

The full text of the Proposed Amendments begins on the next page:

N/A

Proposed Action

III. Reg. Citation

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER I: MATERNAL AND CHILD HEALTH

PART 672
WIC VENDOR MANAGEMENT CODE

SUBPART A: GENERAL PROVISIONS

Section

672.100 Definitions
672.105 Incorporated Materials
672.110 Purpose
672.115 Application of These Rules

SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

Section

672.200 Geographic Distribution and Number of Vendors
672.205 Application Procedures
672.210 Authorization Criteria and Procedures
672.215 WIC Food List and Quantities
672.220 Criteria for Denial of Initial Authorization
672.225 Denial of Authorization

SUBPART C: WIC VENDOR EDUCATION

Section

672.300 Initial WIC Retail Training by the Department
672.305 Initial WIC Retail Training by a Vendor
672.310 Annual WIC Retail Training Program
672.315 Compliance Training Workshop

SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section

672.400 Authorization
672.405 WIC Vendor Contract Requirement
672.410 Expiration of WIC Vendor Authorization and Contract
672.415 Food Instrument Processing
672.420 Specifications for Rejection of Food Instruments
672.425 WIC Retail Vendor Responsibilities
672.430 Payment Obligation
672.435 Conflict of Interest

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672.440 Unlawful Discrimination
672.445 Amendments Resulting From a Change in Statute or Regulation
672.450 Assignment or Transfer
672.455 Civil Law Suits
672.460 Voluntary Withdrawal from the WIC Vendor Contract
672.465 Notices

SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section

672.500 Compliance Monitoring Inspections
672.505 Violations
672.510 WIC Vendor Sanctions
672.515 Criteria for Termination of Authorization, Prohibition, and/or Fine Assessment
672.520 Suspension of Authorization, Termination of Authorization, Prohibition, and/or Fine Assessment
672.525 Notice of Violation

SUBPART F: RULES OF PRACTICE AND PROCEDURES IN ILLINOIS WIC RETAIL
VENDOR ADMINISTRATIVE HEARINGS

Section

672.600 Applicability (Repealed)
672.605 Parties to Hearings
672.610 Appearance and Representation of a Party
672.615 Commencement of an Action
672.620 Motions
672.625 Discovery
672.630 Form of Papers
672.635 Service
672.640 Pre-Hearing Conferences
672.645 Conduct of Hearings
672.650 Subpoenas
672.655 Burden of Proof
672.660 Administrative Law Judge's Hearing Officer's Report and Final Decision
672.665 Records of Proceedings
672.670 Miscellaneous

Section 672. Appendix A Illinois Regional Map

NOTE: Capitalization denotes statutory language.

AUTHORITY: Implementing and authorized by the WIC Vendor Management Act (410 ILCS 255/1 et seq.)

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SOURCE: Adopted at 14 Ill. Reg. 19984, effective, December 1, 1990; amended at 16 Ill. Reg. 17734, effective December 15, 1992; amended at 17 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 672.100 Definitions

- "Act" means the WIC Vendor Management Act. (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.) [410 ILCS 255/1 et seq.]
- "Administrative Law Judge" means any person appointed by the Director to preside at an Administrative Hearing. "~~Hearing Officer~~" means ~~the person authorized by the Director or his designee to preside at the formal administrative hearing.~~
- "Administrative Warning" means a written notice which describes the nature of a violation to the WIC Program and a request for correction of the violation.
- "Applicant" means the individual, partnership, limited partnership, unincorporated association, or corporation applying to be a WIC Retail Vendor.
- "Application" means the application forms and other required materials submitted by a Business Entity to notify the Department that the Business Entity desires to become a WIC Retail Vendor.
- "Authorization" means the approval of an Applicant who has met the WIC Vendor criteria and possesses a properly executed, valid WIC Vendor Contract as a WIC Retail Vendor.
- "Business Entity" means the retail business which an Applicant or authorized WIC Vendor operates at a particular Vendor Site.
- "Contested Case" shall have the meaning ascribed it in Section 1-30 3-02 of the Illinois Administrative Procedure Act. (Ill. Rev. Stat. 1991, ch. 127, par. 1003.02) [5 ILCS 100/1-30]
- "Corporate Officer" means the identity of the officer of a Corporation as set forth in its Articles of Incorporation as filed with the Secretary of State wherein such entity is incorporated.
- "Department" means the Illinois Department of Public Health. (Section 3(a) of the Act)
- "Department Estimated Cost" means estimated prices based on indicators including wholesale prices for WIC foods and the self reported Vendor prices on the Vendor Retail Price Survey, which are averaged and weighted by Store Type and Region from

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~~the Vendor Price Survey.~~

"Department Representative" or "Representative of the Department" means an employee or authorized agent of the Department.

"Director" means the Director of the Illinois Department of Public Health or his designee.

"Expired Food" means a WIC food item available to WIC Participants on a store shelf which exceeds the stamped date printed on the food item and labeled as one of the following: expiration date, "Sell By" date, "Best If Used By" date, "~~Best When Purchased By~~" date, or "Best If Used By" date printed on the item.

"Food Instrument" or "FI" means a negotiable voucher issued by a Local Agency that specifies the quantity, size and type of authorized foods available to a WIC Participant within a designated time period, which can subsequently be taken to a Vendor in exchange for the specified quantities of food.

"Food Voucher" means Food Instrument.

"Grocery Store" means a fixed and permanent retail store whose primary business is the sale of food.

"IAPA" means the Illinois Administrative Procedure Act. (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.]

"Illinois WIC Retail Food Delivery System" means the system in which Participants obtain WIC Foods by submitting a Food Voucher to a WIC Retail Vendor.

"Invalid Vendor" is a rejection label which means a Food Instrument deposited or mailed by a Vendor which has been encoded and rejected by the Department's contract bank for the following reasons: the Food Instrument has not been stamped with the Vendor Number, the Vendor Number is unauthorized, unreadable, not in the space indicated, or a counterfeit Vendor Stamp is used. Typed or handwritten numbers shall not be accepted.

"Local Agency" means a public or private, non-profit health or human services agency which provides health services, either directly or through contract, in accordance with the USDA WIC Regulations, the Act, or this Part.

"Minimum Supply of WIC Foods" means the Department published list of the minimum required quantities, sizes, and types of WIC Foods which must be maintained in stock at all times by a Vendor.

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"Participant" means authorized pregnant women, breastfeeding women, postpartum women, infants or children who are receiving supplemental foods or Food Instruments under the WIC Program.

"Participant Requested Delivery" means a Participant requested delivery of WIC approved foods from a Vendor to an address specified by the WIC Participant or Proxy.

"Participant/Vendor Ratio" means the total number of WIC Participants redeeming Food Instruments through WIC Retail Vendors in a given region divided by the total number of WIC Retail Vendors in the same region.

"Pharmacy" means any store, shop, department, or other place, at a fixed and permanent location, having the capability to dispense and sell or offer for sale at retail value by a licensed pharmacist drugs, medicines, poisons, and liquid foods, prescribed for an individual by dentists, veterinarians, and physicians licensed to practice medicine in all its branches.

"Posted Shelf Price" means the clearly displayed price of WIC foods charged to the general public, identifying the price of the specific WIC food item. When no price is posted, the Posted Shelf Price shall be deemed to be the average price for a particular food item based on the Retail Vendor Price Survey for stores of like size and location.

"Proxy" means a person who is authorized by the Local Agency and the WIC Participant to accept and/or redeem Food Instruments on a participant's behalf.

"Region" means a geographic area in the State of Illinois which is identified by specific boundaries determined by the Department. (See Section 672. Appendix A.)

"Retail Vendor Price Survey" means the current prices, reported to the Department, by a Vendor or a Department Representative, as charges for WIC Foods.

"Store Type" means the classification of WIC Retail Vendors by the number of active customer check-out lanes/cash registers. One or two lanes is a type 1 Vendor Site. Three or four lanes is a type 2 Vendor Site. Five to seven lanes is a type 3 Vendor Site. Eight or more lanes is a type 4 Vendor Site. A Pharmacy is a type 5 Vendor Site.

"USDA" means the United States Department of Agriculture.

"USDA WIC Regulations" means the Regulations of the United States Department of Agriculture, Food and Nutrition Service, Special Supplemental Food Program for Women, Infants, and Children as updated. 7 CFR 246 (1990)

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"Valid WIC Retail Vendor Contract" means a contract that is binding only between the Department and the officer, partner or sole proprietor who originally signed the Vendor Application and Vendor Contract.

"Vendor" or "WIC Retail Vendor" means the individual, partnership, limited partnership, unincorporated association, or corporation authorized by the Department to accept Food Instruments and to provide supplemental food to WIC Participants, or Proxies of WIC Participants or Department Representatives.

"Vendor Number" means the number assigned to an authorized Vendor by the Department for validating Food Instruments.

"Vendor Site" means a fixed and permanent location, operating as a Business Entity, listed in the WIC Vendor Application, which has been authorized by the Department for purposes of delivery of WIC Foods to WIC Participants or the Proxy of a WIC Participant.

"Vendor Stamp" means the stamp provided to a Vendor by the Department for validating Food Instruments.

"Violation" means an infringement of Federal or State rules or statutes or local laws.

"WIC Food List" means the published list of the State of Illinois authorized WIC Foods.

"WIC Foods" mean those competitively priced foods which have been placed on the WIC Food List, which have been determined by the Department to be nutritionally qualified for the WIC Program in the State of Illinois.

"WIC Participant Identification Card" means the card issued by a Local Agency to a Participant for purposes of the WIC Program.

"WIC Vendor Contract" means an agreement signed by the WIC Retail Vendor and the Department for the provision of WIC Foods to Participants, the Proxies of WIC Participants or Department Representatives.

"WOMEN INFANTS AND CHILDREN NUTRITION PROGRAM" AND "WIC" MEAN THE FEDERAL SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN INFANTS AND CHILDREN authorized by Section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786). (Section 3(a) of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.105 Incorporated Materials

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Section 672.205 Application Procedures

a) The following materials are incorporated or referenced in various Sections of the Part:

- 1) The WIC Vendor Management Act, (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.) [410 ILCS 255/1 et seq.]
 - 2) USDA WIC Regulations, 7 CFR Part 246 (September 1990)
 - 3) The Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1 et seq.) [30 ILCS 505/11.1 et seq.] (Sections 672.210(a)(5) and (7) and 672.435)
 - 4) Criminal Code of 1961 (Ill. Rev. Stat. 1991, ch. 38, par. 33E-3 and 33E-4) [720 ILCS 5/33E-2 and 33E-4] (Section 672.210(a)(10))
 - 5) Illinois Human Rights Act (Ill. Rev. Stat. 1991, ch. 68, par. 2-102(a)) [755 ILCS 5/2-102] (Section 672.440)
 - 6) Code of Federal Regulations, 7 CFR 15, 15a and 15b (Section 672.440).
- b) All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) All citations to federal regulations in this Part concern the specified regulation in the January 1990 Code of Federal Regulations, unless another date is specified.
- d) Copies of all incorporated materials are available for inspection and duplication (at a fee in accordance with Section 1126.410 of the Department's Freedom of Information Code (2 Ill. Adm. Code 1126)) by the public at the Department's Central Office, Division of Health Assessment and Screening (535 West Jefferson, Springfield, Illinois 62761).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.115 Application of These Rules

These procedures apply to all Applicants for participation as Vendors in the WIC Program, and all Vendors contracting with the Department, and any individual, business entity or commercial enterprise that accepts or receives Food Instruments and/or credit/payment for Food Instruments. Any Authorization issued prior to the effective date of the Act or this Part, shall remain valid and subject to the Act and this Part.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

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Section 672.205 Application Procedures

The Department shall provide an Application for applying to become an authorized WIC Retail Vendor. Submission of a completed Application shall not constitute Authorization to an Applicant to accept or receive payment for Food Instruments. Any Application submitted improperly or incompletely shall be returned to the Applicant. Any Application not completed and returned to the Department within ninety (90) calendar days from receipt by the Applicant shall not be processed. An Applicant can apply for Authorization to become a WIC Retail Vendor by submitting the following to the Department:

- a) An Application for WIC Vendor Authorization as a sole proprietorship shall include the following:
 - 1) identity and addresses of owner;
 - 2) The Federal Employer Identification Number (FEIN) of the Business Entity;
 - 3) identification of any ownership interest of thirty percent (30%) or more in any other entity applying for WIC Vendor Authorization or WIC Vendor;
 - 4) identification of the Business Entity, the Store Type, location of the proposed Vendor Site and an employee contact for WIC purposes;
 - 5) proof of the owner's identity;
 - 6) proof of the Business Entity's FEIN; and
 - 7) proof of USDA Food Stamp Authorization, if applicable; and-
 - 8) identification of any person holding elective office as specified in Section 672.210(a)(7) and Section 11.1 of the Illinois Purchasing Act, (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1) [30 ILCS 505/11.1] and the elective office held.
- b) An Application for WIC Vendor Authorization as a corporation shall include the following:
 - 1) identity and location of the corporation's principal place of business;
 - 2) identity and address of the corporation's registered agent;
 - 3) FEIN of the corporation;
 - 4) identification of an ownership interest of thirty percent (30%) or more by the stockholders listed in subsection (b)(3) above and such an ownership interest

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by these stockholders in any other entity applying for WIC Vendor Authorization or WIC Vendor;

6) proof of identity of each limited and general partner;

5) identification identity of the Business Entity, the Store Type₂ and location of the proposed Vendor Site and an employee contact for WIC purposes;

7) proof of the partnership or limited partnership FEIN;

6) Certificate of Good Standing from the Illinois Secretary of State;

8) proof of USDA Food Stamp Authorization, if applicable; ~~and~~

9) if a limited partnership, it must provide a Certificate of Existence issued by the Illinois Secretary of State; and ;

7) Certification of Incorporation from the State in which the Applicant is incorporated;

8) identification and address of each Corporate Officer;

9) proof of identity for each Corporate Officer;

10) ~~9~~ proof of corporation's FEIN; ~~and~~

d) Each owner, partner, limited partner, or shareholder of five percent (5%) or more of any stock shall also provide a statement concerning any conviction for a misdemeanor involving fraud, theft, or misuse of state or federal funds or any felony.

11) ~~10~~ proof of USDA Food Stamp Authorization, if applicable; and;

12) identification of any person holding elective office as specified in Section 672.210 (a)(7) and Section 11.1 under the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1) [30 ILCS 505/11.1] and the elective office held.

e) Each Applicant or authorized representative shall attest to the accuracy of information provided in the Application.

c) An Application for WIC Vendor Authorization as a partnership or limited partnership shall include the following:

f) The Applicant shall have an obligation to notify the Department in writing, by Certified Mail, of material changes in information contained on the Application after Authorization and during the term of the WIC Vendor Authorization.

1) identity and address of each limited and general partner and the registered agent;

g) Proof of FEIN shall include a copy of a notice of new employer identification number assigned or a copy of the Federal Tax Deposit Coupon.

2) ownership percentages of each limited and general partner;

3) FEIN of the partnership or limited partnership;

i) If applicable, proof of USDA Food Stamp Authorization shall include a copy of the federal Food Stamp Program Authorization/Retailer Card.

4) identification of an ownership interest of thirty percent (30%) or more by the partners listed in subsection (c)(1) above and such an ownership interest by these partners in any other entity applying for WIC Vendor Authorization or WIC Vendor, information concerning any ownership interest of thirty percent (30%) or more by any limited or general partner listed in Section 672.205 (a)(4);

j) The Applicant shall provide documents which verify the date of purchase or acquisition of the Business Entity for which the Applicant is seeking WIC Vendor Authorization.

k) Each Applicant shall attest to compliance with necessary local, municipal, or village licenses at the proposed Vendor Site.

5) identification of ~~information concerning~~ the Business Entity, the Store Type₂ ~~and the location of the~~ proposed Vendor Site and an employee contact for WIC purposes;

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.210 Authorization Criteria and Procedures

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a) Only WIC Retail Vendors authorized by the Department shall be eligible to accept Food Instruments or otherwise provide supplemental foods to WIC Participants, Proxies or Department Representatives. Any Applicant seeking Authorization to become a WIC Retail Vendor has an obligation to meet the following criteria before Authorization. In addition, any authorized ~~approved~~ Vendor has a continuing obligation to meet the below listed criteria during the period of Authorization:

- 1) The Vendor Site shall be located within the boundary lines of the State of Illinois.
- 2) The Vendor Site shall have a fixed and permanent location. This site shall be the address indicated on the WIC Vendor Application and shall be the location where a WIC Participant, ~~or Proxy or Department Representative~~ shall select WIC Foods during business hours.
 - A) This site shall not be at an address or within any building where Food Instruments are distributed to WIC Participants.
 - B) The price charged to the WIC Program for WIC Foods provided through Participant Requested Delivery shall not exceed those prices charged to cash paying customers nor the prices posted at the Vendor Site. The Vendor shall not charge for delivery of WIC Foods.
- 3) Each Vendor Site listed in the Application shall have seventy percent (70%) or more gross receipts from the sale of non-alcoholic products.
- 4) Authorization to participate in the USDA Food Stamp Program or any other federal food program is not a prerequisite for Authorization as a WIC Retail Vendor. If, however, an Applicant or Vendor has been authorized to participate in the USDA Food Stamp Program or other federal food program, he shall not have been denied, suspended, disqualified, terminated, or assessed a civil money penalty during the two (2) years preceding Application for Authorization as a WIC Retail Vendor.
- 5) Neither the Applicant, Vendor, nor any officers or officials shall have been involved in bribery as prohibited under Section 10.1 of the Illinois Purchasing Act. (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1.) [30 ILCS 505/10.1]
- 6) The Applicant or approved Vendor shall be barred from receiving state contracts as a result of any default on any educational loans as that term is defined in the Educational Loan Default Act. (Ill. Rev. Stat. 1991, ch. 127, par. 3550 et seq.) [5 ILCS 385/0.01]
- 7) Neither the Applicant, Vendor, nor his or her spouse or minor children, shall

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hold an elective office in the State of Illinois, a seat in the General Assembly, appointment or employment in any of the offices of State government during the period of any WIC Vendor Authorization as prohibited under Section 11.1 of the Illinois Purchasing Act.

- 8) Neither the Applicant, Vendor, its officers, directors, individual partners, nor their spouses or minor children who owns more than seven and one-half percent (7 1/2%) ownership or beneficial interest in the Business Entity seeking Authorization to participate in the WIC Program shall be employed by the WIC Program of a Local Agency.
 - 9) Neither the Applicant, nor the Vendor shall have been convicted of a misdemeanor involving fraud, misuse or theft of State or Federal funds or of any felony. A certified copy of conviction may be offered and admitted into evidence as proof of such conviction.
 - 10) The Applicant or Vendor shall be barred from bidding on or entering into a WIC Vendor Contract as a result of a violation of Sections 33E-3 or 33E-4 of the Criminal Code of 1961.
 - 11) Neither the Applicant, Vendor, nor any owner of thirty percent (30%) or more ownership shall have been terminated from the WIC Program in the previous three (3) years.
 - 12) The Applicant or Vendor shall adhere to the provisions of the USDA WIC Regulations, the Act, and this Part.
 - 13) With the exception of a Pharmacy, if the Applicant is a current or former Vendor, the Applicant's charges to the WIC Program as a percentage of the Department Estimated Cost may be ranked against other current or former Vendor Applicants and ~~The former Vendor's lowest percentages~~ may be used as an Authorization criteria in order to meet the minimum number of Vendors needed in a region (Section 672.200) (7 CFR Part 246.12(e)(2)).
- b) Applicants shall be authorized as WIC Retail Vendors based upon the following:
- 1) An Application and all supporting documents shall be properly completed and verified by the Department. No Application shall be deemed complete unless it includes all necessary supporting documents required by this Part.
 - 2) The Applicant's proposed Vendor Site shall be ~~initially~~ inspected by the Department.
 - A) The Department shall conduct an ~~initial~~ inspection of the proposed

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Vendor Site after receipt of a completed Application. Such inspection shall determine whether the Applicant has the minimum quantities, sizes, and types of WIC Foods and shall verify any business or financial information submitted by the Applicant.

B) If the inspection discloses that the Applicant's proposed Vendor Site does not have the minimum quantities, sizes, or types of WIC Foods necessary or that business or financial information supplied by the Applicant is erroneous, inaccurate, or insufficient, the Department shall advise the Applicant of the deficiencies and conduct another inspection of the Vendor Site.

B)(C) If the second inspection by the Department discloses that the Applicant's proposed Vendor Site does not have meet the minimum quantities, sizes, and types of WIC Foods necessary or that if business or financial information supplied by the Applicant is remains erroneous, inaccurate or insufficient, the Application shall be denied.

3) The minimum quantities, sizes, and types of WIC Foods necessary at a Vendor Site are those specified in the WIC Vendor Contract. A copy of this list shall be provided to each Applicant and authorized approved Vendor.

4) The Department shall complete a Retail Vendor Price Survey of WIC Foods during the ~~initial~~ inspection by collecting the lowest posted shelf prices for WIC Foods. If the Applicant's prices are five percent (5%) or greater than the average prices in the same region for WIC Foods, the Application shall be denied, unless the Applicant is a Pharmacy or drug store which only redeems Food Instruments for infant packages.

5) The Applicant shall be notified by the Department, within thirty (30) calendar days, whether or not the inspection of the proposed Vendor Site, the business, the financial, or other information provided by the Applicant meet the criteria set forth in this Part. If the Applicant meets such criteria, he shall be notified in writing of approval to attend the initial Retail Vendor training course or of his eligibility for an initial Retail Vendor training course waiver. (See Section 672.300)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.220 Criteria for Denial of ~~Initial~~ Authorization

A determination by the Director or his designee to deny ~~initial~~ Authorization shall be based upon a finding that one (1) or more of the following criteria are met:

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a) The Applicant has not met the requirements of the USDA WIC Regulations, the Act, or this Part.

b) The Applicant has submitted false, erroneous, or inaccurate information on the Application, or in the business or financial information provided to the Department or during the course of the ~~initial~~ on site inspection of the proposed Vendor Site.

c) The Applicant has refused to allow the Department access to inspect the proposed Vendor Site during the Applicant's normal business hours.

d) The Applicant has submitted a FEIN or Social Security number for the Business Entity to be operated at the proposed Vendor Site which is not the same FEIN or Social Security number filed for the same Business Entity with the USDA Food Stamp Program and/or with the Illinois Department of Revenue.

e) The Applicant does not have the necessary local, municipal, or village license to operate as a Business Entity at the proposed Vendor Site.

f) With the exception of Pharmacies, the Applicant has previously been authorized as a WIC Vendor and the Applicant's charges as a Vendor for WIC Foods, for a minimum of three (3) months during the contract period, were:

1) more than the Department Estimated Costs for those WIC Foods as reflected in the Vendor Price Survey; or

2) at least five percent (5%) or greater than the average charges submitted by other Vendors of the same Store Type in the same geographic region.

g) The Applicant has previously been authorized as a WIC Vendor and the Applicant had more than one percent (1%) per month of all Food Instruments submitted to the contract bank; rejected ~~per month~~ for a maximum of three (3) months during a contract period.

h) The USDA Food Stamp Program has imposed against the Applicant any of the following sanctions:

1) civil money penalty

2) suspension

3) disqualification

4) permanent disqualification

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Contract; and completion of the Retail Vendor Price Survey.

- c) All Applicants or their representatives at the initial retail training course shall sign a roster indicating their attendance.
- d) At the end of the initial retail training course, each Applicant or the Applicant's representative shall sign a certification of understanding of the WIC Program.
- e) In order for attendance of the initial retail training course to be waived, the Applicant shall request in writing a waiver from the Department. This request shall contain the name and position of the store representative who attended an Annual or Initial Training course within the previous twelve (12) months from the date of the application, and the date of attendance. The Applicant shall affirm that the store representative named in the waiver request is employed by the Applicant. The store representative shall sign a certification of understanding of the WIC Program for the Applicant.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.310 Annual WIC Retail Training Program

- a) Unless a Vendor has attended an initial WIC Retail Vendor training course meeting, during the contract period, a representative from each Vendor Site shall be notified and shall participate in an annual Department sponsored training program. This person shall not represent more than one (1) WIC Retail Vendor Site at any annual training course.
- b) Each training program shall include, but not be limited to the following topics: any changes to the USDA WIC Regulations, the Act, or the provisions of this Part, and issues relating to the WIC Vendor Contract.
- c) A representative from each Vendor Site shall sign a certificate of participation in the training program.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.315 Compliance Training Workshop

- a) Any WIC Retail Vendor who has been found to have committed a Class A, Class B or Class C Violation, as defined in Section 672.505, shall be required to attend a compliance training workshop as required in Section 672.510. Any Vendor required to attend shall not represent more than one (1) WIC Retail Vendor Site at any compliance workshop. Attendance at a compliance training workshop must be completed within

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(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART C: WIC VENDOR EDUCATION

Section 672.225 Denial of Authorization

- a) Application for Authorization as a WIC Retail Vendor shall be denied when the Director or his designee finds that an Applicant meets any of the criteria set forth in Section 672.220.
- b) When the Director or his designee determines that the Application for Authorization as a WIC Retail Vendor is to be denied, the Department shall notify the Applicant. The notice to the Applicant shall be in writing and shall include:
 - 1) A clear and concise statement of the basis for denial. The statement shall include a citation to the USDA WIC Regulations, the Act, or the provisions of this Part for which the Application is being denied.
 - 2) A description of the right of the Applicant to appeal the denial of the Application within fifteen (15) calendar days of receipt of the letter and the right to a hearing.
 - 3) A statement that the Applicant may not reapply again for a minimum one hundred eighty (180) calendar days from the date of the notice.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART C: WIC VENDOR EDUCATION

Section 672.300 Initial WIC Retail Training by the Department

- a) Upon official written notification by the Department, an initial WIC Retail training course shall be provided to Applicants who have met the criteria in Subpart B of this Part. All Applicant Sites shall send a representative to the training course except as provided for in subsection (c) of this Section or in Section 672.305.
- b) The initial WIC Retail training course shall include, but shall not be limited to the following: the purpose of the WIC Program; certification of WIC Participants; responsibilities of the WIC Retail Vendor; minimum quantities, sizes and types of authorized WIC Foods; Food Instrument processing and transactions; USDA WIC Regulations, the Act and the provisions of this Part; monitoring and compliance visits; WIC fraud and abuse provisions; potential sanctions to Vendors; collection of overcharges; the Vendor's responsibility for maintenance of purchasing records; procedures for WIC Participant, Vendor or public complaints; the WIC Vendor

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the time period specified in a final order entered pursuant to Section 672.660.
~~Attendance at the compliance training workshop shall not be required if the Vendor is terminated from Authorization.~~

- b) The Vendor shall be notified in writing of the workshop date by the Department.
- c) Workshop topics shall include, but not be limited to the following: the WIC Vendor Contract, the USDA WIC Regulations, the Act, and the provisions of this Part.
- d) All Vendors or representatives of the Vendor at a compliance workshop shall sign a roster indicating their attendance.
- e) At the end of the compliance workshop, each Vendor or representative of the Vendor shall sign a certification of understanding of the topics addressed during the compliance workshop.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section 672.405 WIC Vendor Contract Requirement

All Authorizations to act as WIC Retail Vendors require a properly executed, valid written WIC Vendor Contract between the Department and the Vendor. In the retail purchase system, a standard WIC Vendor Contract shall be used statewide and shall expire annually. Exceptions to this requirement shall be made with the approval of the Director or designee consistent with USDA WIC Regulations (7 CFR 246.12 (f) (i)). Food Instruments accepted after the term of the contract expires will not be reimbursed by the Department's contract bank.

- a) A failure by a Vendor to provide any information, as specified herein, shall be deemed to constitute a material breach of contract.
- b) Currently authorized WIC Retail Vendors shall be required to submit completed applications once every two (2) years.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.415 Food Instrument Processing

The Vendor shall submit Food Instruments for payment for the provision of WIC supplemental foods in the following manner:

- a) The Vendor shall ask the WIC Participant for the WIC Participant Identification Card and verify that the Participant name on the Food Instrument is the same as on the WIC

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Participant Identification Card. If the Participant sends a Proxy to obtain the foods, the Proxy's signature shall be on the WIC Participant Identification Card, but shall not be on the Food Instrument. The Vendor shall be allowed to request from the Proxy or Participant an additional form of identification with the Proxy's or Participant's name on it. If the Proxy or Participant does not have another form of identification, the Vendor shall have grounds to refuse the Proxy's or Participant's request to obtain the foods.

- b) The Vendor shall not accept a Food Instrument that is signed before the Vendor fills in the actual amount of sale.
- c) The Food Instrument shall be accepted only within the time limits specified on the Food Instrument.
- d) The Vendor shall ensure that the food items that the Participant or Proxy chooses to obtain, from the food items listed on the Food Instrument, are authorized WIC Foods and are the food items stated on the Food Instrument.
- e) The Vendor shall write the actual total shelf price or less on the Food Instrument. The Food Instrument shall be signed by the WIC Participant or the approved Proxy. Both of these actions shall take place at the Vendor Site unless the transaction is a Participant Requested Delivery. The Vendor shall not obtain the Participant/Proxy signature, until after the actual amount of sale is put on the Food Instrument.
- f) The Vendor shall verify the signature on the WIC Participant Identification Card against the signature on the Food Instrument as either the name of a Participant or a Proxy.
- g) The Vendor shall stamp the assigned four (4) digit Vendor Number on the Food Instrument in the space indicated.
- h) The Vendor shall deposit the Food Instrument in a local financial institution or the Department's contract bank within sixty (60) calendar days from the "First Day To Use" printed on the Food Instrument.
- i) Any Food Instrument improperly completed by the Vendor shall be rejected.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.420 Specifications for Rejection of Food Instruments

- a) Food Instruments shall be rejected for payment for the following reasons:
 - 1) Submission of a Food Instrument before the "First Day To Use".

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- 2) Submission of a Food Instrument for payment more than sixty (60) calendar days past the "First Day To Use".
- 3) Submission of a Food Instrument identified by the Department or the Department's contract bank as Invalid Vendor.
- 4) Submission of a Food Instrument by an unauthorized Vendor, or submission of a Food Instrument which has an unauthorized, inaccurate, or missing Vendor Number.
- 5) Submission of a Food Instrument without a Participant or Proxy signature.
- 6) Submission of a Food Instrument whose value is greater than the maximum value amount printed on the Food Instrument.
- 7) Submission of a Food Instrument which has been altered.
- 8) Submission of a Food Instrument which has been fraudulently created.
- 9) Submission of a Food Instrument after notice that a material breach of contract has occurred (Section 672.515(i)).
- 10) Submission of a Food Instrument accepted after the term of the contract expires.
- b) The following Food Instruments presented to the Department's contract bank shall not be paid:
 - 1) Food Instruments without the participant's signature;
 - 2) Food Instruments with a missing, inaccurate, or Invalid Vendor Number;
 - 3) Food Instruments submitted for payment before the "First Day to Use";
 - 4) Food Instruments that have been altered;
 - 5) Food Instruments that are over the maximum value; or
 - 6) Food Instruments that have not been obligated by the local agency (stolen stock).
- c) Appeal procedures for Food Instruments rejected as "Invalid Vendor" and "Amount Invalid" are stated below:

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- 1) The Vendor shall have the option to restamp the Food Instruments which were rejected for "Invalid Vendor". The corrected Food Instrument(s) may be resubmitted according to the instructions described in Section 672.415(g) and (h).
 - 2) The Vendor shall have the option to correct the "Actual \$ Amount of Sale" on the Food Instruments rejected for "Amount Invalid". The corrected Food Instrument(s) may be resubmitted according to the instructions in Section 672.415 (g) and (h).
 - d) Excessive rejection of Food Instruments shall be grounds for denial of authorization of the Vendor's Contract as cited in Section 672.220(g).
(Source: Amended at 17 Ill. Reg. _____, effective _____)
- Section 672.425 WIC Retail Vendor Responsibilities
- a) The Vendor shall monitor the WIC Foods approved by the USDA and shall furnish only the prescribed quantities, types and brands of food specified on the Food Instrument. Pharmacies or drug stores which only redeem Food Instruments for infant packages, i.e., infant formula, infant cereal, and infant juice, shall be exempt from the minimum stock requirements of those foods which are not in the infant package. However, these establishments must have the ability to supply special formula in the necessary quantities upon request within twenty four (24) hours.
 - b) The Vendor shall accept Food Instruments only within the time limits indicated on the Food Instruments and shall not receive payment for Food Instruments submitted before the "First Day to Use" or after the "Last Day to Use".
 - c) The Vendor shall be responsible for payment and replacement of a lost, stolen or destroyed Vendor Number Stamp.
 - d) The Vendor shall display the price of WIC Foods, charged to the general public, in clear view of customers, identifying the price of the specific WIC Food item.
 - e) The Vendor shall provide WIC Foods to Participants, ~~or~~ Proxies or Department Representatives at the same price or less than the price charged to non-WIC customers.
 - f) The Vendor shall accept Food Instruments only from WIC Participants, Proxies or Representatives of the Department who present a WIC Participant Identification Card.
 - g) The Vendor shall not issue a WIC Participant, Proxy or Department Representative any document (e.g., rain check) purporting to give the WIC Participant, Proxy or Department Representative the right to buy a WIC Food item or non-WIC Food item

- after the Food Instrument is signed by the Participant, or Proxy or Department Representative. The Vendor shall not exchange any WIC Food item under any circumstances.
- h) The Vendor shall charge the Department sale prices. The value of coupons and discounts shall be deducted from the price charged to the Department. The Participant, Proxy or Department Representative shall not be given cash for the difference.
- i) The Vendor shall participate in an annual WIC training program as specified in Section 672.310.
- j) The Vendor shall be responsible for all Food Instruments accepted and processed for payment by current and former employees at the Vendor Site. The Vendor shall also be responsible for the accuracy of any information submitted to the Department by such employees. The Vendor shall be responsible for reviewing Food Instruments which have been accepted to make certain that the total cost does not exceed the posted shelf prices or the prices charged to non-WIC customers.
- k) The Vendor shall abide by the USDA WIC Regulations, the Act, and this Part.
- l) The Vendor and his Business Entity shall be subject to review audit by the Department or USDA for the time period covering any present or previous Authorization. Documents to be maintained by the Vendor shall include but not be limited to:
- 1) Original purchase order, including purchase order date; and
 - 2) Original vendor invoices, showing date, showing date received, revealing description of item(s) received, showing vendor model or item number, listing stock keeping unit identification number of item received (if different than the vendor unit ID number), listing quantity received by item, identifying item unit costs, furnishing item cost extension (item cost multiplied by item quantity received), and showing initials of employee receiving and counting inventory on behalf of store.
- The Vendor shall maintain all records of purchases, gross sales receipts, and invoices of all WIC and non-WIC Foods for a period not less than three (3) years. The original of such records shall be made available to the Department or USDA upon reasonable request. The Vendor shall also provide the Department and USDA the opportunity to inspect all Food Instruments located at the Vendor Site or under the control of the Vendor.
- m) The Vendor shall respond truthfully and accurately to Department initiated requests for Retail Vendor Price Surveys, verification of ownership of the Business Entity or Vendor Site, proof of WIC and non-WIC purchases and sales, and proof of the volume
- of alcoholic beverage sales. Such responses shall be in writing and be provided within fifteen (15) calendar days of receipt of the Department's request.
- n) The Vendor shall maintain all refrigerated areas at a temperature of forty degrees Fahrenheit (40°F) or below, ~~and no WIC Foods shall exceed the expiration date printed on the food item.~~
- o) The Vendor shall not exchange Food Instruments for any form of currency, or other items of value, nor provide the Participant, Proxy or Department Representative with any amount of currency or coin as change from a partial WIC Food transaction.
- p) The Vendor shall not seek restitution from WIC Participants, Proxies or Department Representatives for Food Instruments not paid by the Department or fines levied by the Department, a financial institution or the Department's contract bank. The Vendor shall not seek or receive restitution from the Department for monetary penalties for rejected Food Instruments.
- q) The Vendor shall not charge sales taxes for WIC Foods, as the Department is exempt from such tax under tax number E9984-1002-01.
- r) The Vendor shall reimburse the Department for any Food Instruments redeemed in violation of the USDA WIC Regulations, the Act, this Part or the WIC Vendor Contract.
- s) Neither Authorization as a WIC Vendor nor the WIC Vendor Contract constitutes employment between the Vendor and the Department as a State employee or provides eligibility for any employee benefits provided by the State of Illinois.
- t) The Vendor shall offer the same courtesies to WIC Participants, Proxies or Department Representatives as offered to other customers.
- u) When material information included in the Vendor's Application changes, the Vendor, by Certified Mail, shall notify the Department in writing, within thirty (30) calendar days.
- v) The Vendor shall not deny a Participant, Proxy or Department Representative any WIC Foods indicated on the Food Instrument which the Vendor has in stock.
- w) Neither the Vendor, nor his employee, shall require that a Participant, Proxy or Department Representative exchange their selection of WIC Foods because the WIC Foods selected exceed the maximum value of the Food Instrument. Nor shall the Vendor request or accept any remuneration for the difference between the Participant selected WIC Foods and the maximum value of the Food Instrument.

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x) The Vendor shall allow WIC Participants, Proxies or Department Representatives freedom to select any WIC Foods in stock at the Vendor Site.

y) The Vendor shall not maintain in shelf stock any WIC Foods which meet the definition of "Expired Food". (See Section 672.100)

z) The Vendor shall not accept for payment or credit an unsigned Food Instrument.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.435 Conflict of Interest

The Vendor shall comply with the conflict of interest provisions of the Illinois Purchasing Act. (Ill. Rev. Stat. 1989, ch. 127, pars. 132.11-1 - 132.11-5) [30 ILCS 505/11.1 et seq.]

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.440 Unlawful Discrimination

The Vendor shall not engage in unlawful employment discrimination barred by the Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, par. 2-102(A)) [755 ILCS 5/2-102] nor engage in discrimination practices barred by USDA Regulations (Code of Federal Regulations 7 CFR Parts 15, 15a and 15b).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.450 Assignment or Transfer

a) The Vendor shall not sell, assign, or transfer in any manner its Authorization, the WIC Vendor Contract, WIC Vendor Stamp, or WIC Vendor Number. Any actual or attempted sale, assignment or transfer of the Authorization, WIC Vendor Contract, WIC Vendor Stamp, or WIC Vendor Number shall be a material breach of the WIC Vendor Contract.

b) It shall also be a material breach of the WIC Vendor Contract if any unauthorized individual, corporation, partnership, limited partnership, unincorporated association or former vendor improperly acquires WIC Authorization after the death of a Vendor (if an individual) or the voluntary or involuntary dissolution of a Vendor corporation, partnership, limited partnership, unincorporated association, or firm, and shall subject the Vendor to termination of its Authorization and a fine assessment in accordance with Sections 672.515 and 672.520 of these rules. In addition, any assignee, transferee, buyer, or recipient of a Vendor's Authorization, WIC Vendor Contract, WIC Vendor Stamp, or WIC Vendor Number shall be in violation of this Part and shall be subject to the sanctions set forth in Section 672.510(f) of these rules.

c) At least fifteen (15) calendar days in advance, the Vendor shall notify the Department of any

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scheduled sale, lease, bankruptcy or cessation of the Vendor's Business Entity, or of any sale of a majority interest in the Vendor's Corporation, partnership, sole proprietorship, or business entity. Such notification shall be sent by certified mail and in writing to the place and address listed in the WIC Vendor Contract, Section XVI Notices.

The Vendor shall not sell, assign, or transfer in any manner the Authorization, the WIC Vendor Contract, the WIC Vendor Stamp, or the WIC Vendor Number. Any actual or attempted sale, assignment or transfer of the above shall be considered a breach of the WIC Vendor Contract. The death of a Vendor (if an individual) or the voluntary or involuntary dissolution of a Vendor corporation, partnership, limited partnership, unincorporated association, or firm shall cause the Vendor's Authorization and WIC Vendor Contract to be subject to Section 672.515 (h) and 672.520. Any assignee, transferee, buyer, or recipient who uses a WIC Vendor Stamp which was assigned by the Department to an Authorized WIC Vendor shall be in violation of this Part and shall be subject to the sanctions set forth in Section 672.510(g). The Vendor has an affirmative duty to notify the Department, in writing, at the place listed in the WIC Vendor Contract, fifteen (15) calendar days in advance of any scheduled sale, lease, bankruptcy or cessation of the Vendor's Business Entity or the sale of any majority interest of any corporation or partnership.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section 672.505 Violations

Violations shall be classified as either Class A Violations, Class B Violations, or Class C Violations. Each Class of violation is listed below.

a) Class A Violations:

1) Imposition of any of the following sanctions by the USDA Food Stamp Program: Disqualification or suspension from participation in the USDA Food Stamp Program, or imposition of a civil money penalty by the Food Stamp Program.

A) civil money penalty

B) suspension

C) disqualification

D) permanent disqualification

2) Exchanging cash or credit for Food Instrument(s).

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- 3) Exchanging non-food items or alcoholic beverages for Food Instrument(s).
- 4) ~~Receiving, transacting or redeeming WIC Food Instruments from any source other than a Participant, a Proxy or a Representative of the Department.~~
- 4~~5~~) Charging WIC Participants, Proxies or Department Representatives more for WIC Foods than non-WIC customers ~~or charging more than the posted shelf price.~~
- 5~~6~~) Charging the WIC Program for WIC Foods not received by the Participant, Proxy or Department Representative ~~or for foods provided in excess of those listed on the Food Instruments.~~
- 6~~7~~) Claiming reimbursement for the sale of any amount of WIC Food item which exceeds the store's documented inventory of that food item for a specified period of time.
- 7) Submitting false information on the application or WIC Retail Vendor Contract.
- 8) Exchanging credit for WIC Food Instrument(s).
- 9) Exchanging alcohol for WIC Food Instrument(s).
- 10) Receiving WIC Food Instrument(s) from any source other than a Participant, a Proxy or a Representative of the Department.
- 11) Transacting WIC Food Instrument(s) from any source other than a Participant, a Proxy or a Representative of the Department.
- 12) Redeeming WIC Food Instrument(s) which have been received from any source other than a Participant, a Proxy or a Representative of the Department.
- 13) Charging WIC Participants, Proxies or Department Representatives more than the Posted Shelf Price.
- 14) Charging the WIC Program for WIC Foods provided in excess of those listed on the WIC Food Instrument(s).
- 15) Failure to maintain the minimum required quantity, size and type foods in at least three (3) WIC Foods excluding infant formula as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract. (See definition of "Minimum Supply of WIC Foods" in Section 672.100.)

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- 16) Failure to maintain the minimum required quantity, size and type of infant formula as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract. (See definition of "Minimum Supply of WIC Foods" in Section 672.100.)
- b) Class B Violations:
 - 1) Substitution of unauthorized foods not specified on the Food Instruments or WIC Food List.
 - 2) Failure to maintain the minimum ~~stock~~ required ~~requirements~~ quantity, size and type foods, as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract, but only if this failure is for two (2) or fewer WIC Foods excluding infant formula. (See the definition of "Minimum Supply of WIC Foods" in Section 672.100.)
 - 3) Requiring a Participant to select a different type or brand of WIC Foods when not specified on the Food Instrument.
 - 4) Altering or submitting for payment altered Food Instruments.
 - 5) ~~Failure to post current shelf prices for WIC Foods.~~
 - 5~~6~~) Accepting any remuneration for the difference between the maximum value of the Food Instrument and the shelf price of the WIC Foods.
 - 6~~7~~) Having any expired WIC approved Food(s) on the shelf. (See Section 672.100 "Expired Food".)
 - 7) Acceptance of a Food Instrument that is signed by the Participant, Proxy, or Department Representative before the total actual cost is filled in by the Vendor.
 - 8) Refusing to allow Participants, Proxies or Department Representatives to take all food items listed on the Food Instrument.
 - 9) Not posting the shelf price for WIC Foods. If no price is posted, then for purposes of this section, the Posted Shelf Price shall be deemed to be the average price for a particular food based on the Retail Vendor Price Surveys performed pursuant to this Part, for stores of like size and location.
- c) Class C Violations:
 - 1) Exchanging cash or credit for Food Instruments without a valid WIC Retail

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Vendor Contract. Failure to submit Retail Vendor Price Surveys requested by the Department.

2) Exchanging alcoholic beverages, food or non-food items for WIC Food Instruments without a valid WIC Retail Vendor Contract. Failure to submit information requested by the Department within the time period specified by the Department.

3) Exchanging WIC Food Instruments for cash, credit or favors without a valid WIC Retail Contract. Acceptance of Food Instrument that is signed by the Participant, Proxy, or Department Representative before the total actual cost is filled in by the Vendor.

4) Failure to attend and annual Retail Vendor training program.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.510 WIC Vendor Sanctions

Any Class A, B, or C Violation shall require the Vendor, former vendor, or any person or entity engaged in the activity of a WIC Vendor to reimburse the Department for any overcharges, charges for items not received, monies paid for products not authorized as WIC Foods, and monies paid for Food Instruments accepted without a valid contract. Any Class A or B Violation shall require the Vendor or former Vendor to reimburse the Department for any overcharges, charges for items not received, monies paid for products not authorized as WIC Foods, and monies paid for Food Instruments without a valid contract.

a) Any Class A Violation shall constitute grounds for termination of Authorization pursuant to Sections 672.515 and 672.520. The length of such termination shall constitute, at a minimum, termination from the WIC Program for a period of two one (2) (4) years. Each such Class A Violation shall also subject a Vendor to a fine assessment of five thousand dollars (\$5,000) the two thousand five hundred dollars (\$2,500) and attendance at a compliance training workshop except for the violations cited in Section 672.505 (a) (1).

b) Any Class B Violation shall constitute grounds for the following sanctions:

1) The WIC Retail Vendor shall be fined \$2,000 for each Class B Violation. This fine shall be paid and received by the Department within thirty (30) calendar days from the date of the final order. For the first Class B Violation, the WIC Retail Vendor shall be given written notice of the violation and shall be given an Administrative Warning.

2) If the Vendor fails to pay the fine within thirty (30) calendar days from the

date of the final order, the Department shall suspend the Vendor and an additional fine of two thousand dollars (\$2,000) shall be required to reinstate Vendor Authorization. (See Sections 672.515, .520, and .615) For the second Class B Violation committed within twenty-four (24) months of the first Class B Violation, the Vendor shall be subject to a fine assessment of one thousand dollars (\$1,000). The Vendor shall also be required to attend a compliance training workshop as specified in Section 672.315.

3) The third Class B Violation committed within twenty-four (24) months of the first Class B Violation shall be grounds for termination of the Vendor Authorization pursuant to Section 672.520 and a fine assessment of two thousand five hundred dollars (\$2,500).

c) Any Class C Violation shall constitute grounds for the issuance of a written order which prohibits the person from engaging in the business of a Vendor and the assessment of a fine as detailed in Subsection (f) below. issuance of an Administrative Warning.

d) The time period of twenty-four (24) months referenced in subsections (b)(2) and (b)(3) above shall commence from the time the notice of violation, termination or fine assessment is issued by the Department.

All fine assessments shall be paid within thirty (30) calendar days from date of final order by cashier certified check or money order in United States currency. If the fine assessment is not received by the Department within thirty (30) calendar days from the date of the final order, any collection fees and any other costs associated with the collection of the fine assessment shall be paid in addition to the fine.

e) Any and all compliance training workshops required by the Department for the Vendor or former Vendor, shall be attended within one hundred eighty (180) calendar days from the date of final order.

f) If any former Vendor, individual, business entity, or commercial enterprise, has met the criteria set forth in Section 672.515(d)(4), this shall constitute grounds for the Department to impose a fine of five thousand dollars (\$5,000) two thousand five hundred dollars (\$2,500) for each month that the former Vendor, individual, business entity or commercial enterprise accepts, submits or deposits Food Instruments for reimbursement from the Department's contract bank. The total fine shall not exceed fifteen thousand dollars (\$15,000) seven thousand five hundred dollars (\$7,500). The former Vendor, individual, business entity, or commercial enterprise will reimburse the Department for the "Actual \$ Amount of Sale" indicated on Food Instruments and submitted to the Department's contract bank, or the total amount which was credited or paid by the Department's contract bank to the former vendor, individual, business entity, or commercial enterprise, as cited in Section 672.515(d)(4).

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(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.515 Criteria for Termination of Authorization, Prohibition, and/or Fine Assessment
 a) A determination by the Director or his designee to terminate Authorization and impose a fine assessment shall be based upon a finding that one (1) or more of the following criteria are met:

- 1a) the Vendor has not met one (1) or more requirements of the USDA WIC Regulations, the Act, or the provisions of this Part;
- 2b) the Vendor has submitted false, erroneous, or inaccurate information on the Application, in the business or financial information provided to the Department, on the Retail Vendor Price Survey, or during the course of inspections of the Vendor Site;
- 3e) the Vendor has refused to allow the Department access to inspect the Vendor Site during normal business hours;
- 4d) the Vendor has been found by the Department to have violated provisions of Section 672.505 (a) ~~or (b)~~;
- 5e) the Vendor has submitted a Federal Employers Identification Number (FEIN) for the Business Entity operating as a Vendor which differs from the FEIN filed for the same Business Entity with the USDA Food Stamp Program or with the Illinois Department of Revenue; or

6f) the Vendor has not fulfilled the terms of the WIC Vendor Contract;

b) A determination by the Director or designee to impose a fine shall be based upon a finding that the Vendor has been found by the Department to have violated provisions of Section 672.505(b).

c) A determination by the Director or designee to terminate Authorization shall be based upon a finding that one or more of the following criteria are met:

- 1e) the Vendor has sold, leased, assigned, transferred or discontinued the Business Entity or moved the Business Entity to a new location or new address; or
- 2h) the Vendor corporation, partnership, or limited partnership has been voluntarily or involuntarily dissolved or that the Vendor sole proprietor has died; ~~or~~
- d) A determination by the Director or designee to prohibit Vendor activity and impose a fine shall be based upon the finding that a former Vendor, individual, business entity

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or commercial enterprise violated provisions of Section 672.505(c) or engaged in the activities of a WIC Vendor. (See Section 672.510(f))

h) ~~a former Vendor, individual, business entity or commercial enterprise accepts or receives credit/payment for Food Instruments without a valid WIC Vendor Contract. See Section 672.510(g).~~

e) A determination by the Director or designee to prohibit Vendor activity shall be based upon a finding that the Vendor failed to provide any information as specified in USDA WIC regulations, the Act, or the provisions of this part which shall be deemed a material breach of contract.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.520 Suspension of Authorization, Termination of Authorization, Prohibition, and/or Fine Assessment

a) The termination of Authorization as a WIC Retail Vendor, prohibition of activity, and/or imposition of a fine assessment shall occur when the Director or his designee finds that the Vendor, individual, business entity or commercial enterprise that engages in WIC Vendor activities, meets any of the criteria set forth in Section 672.515.

b) When the Director or his designee determines that the termination or suspension of a WIC Vendor's Authorization, prohibition of activity, and/or imposition of fine assessment is to occur, the Department shall notify the Vendor, individual, business entity or commercial enterprise that engages in WIC Vendor activities. The notice shall be in writing and shall include:

1) A statement of the nature of the basis for the adverse actions. The statement shall include a citation to the provisions of the USDA WIC Regulations, the Act, or this Part on which the termination is based.

2) A description of the right of the Vendor, individual, business entity or commercial enterprise to appeal the adverse action and the right to a hearing.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART F: RULES OF PRACTICE AND PROCEDURES IN ILLINOIS WIC
 RETAIL VENDOR ADMINISTRATIVE HEARINGS

Section 672.600 Applicability (Repealed)

a) ~~This Subpart shall govern all formal administrative hearings for the Department relating to the denial or termination of Authorization as a WIC Retail Vendor in~~

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~~Illinois, any penalty assessments, and the requirement to attend a compliance training workshop as a result of violations of the USDA WIC Regulations, the Act, or this Part.~~

- b) ~~Article II of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 2-101 et seq.) and Article II of the Illinois Supreme Court Rules (Ill. Rev. Stat. 1991, ch. 110A, par. 101 et seq.) are incorporated into this Subpart for use in all formal administrative hearings under this Part. In case of conflict between Article II of the Code of Civil Procedure or Article II of the Illinois Supreme Court Rules, the provisions of this Subpart shall control.~~

- e) ~~These rules do not govern the various informal administrative procedures which the Department may pursue prior to issuing a notice of violation.~~

(Source: Repealed at 17 Ill. Reg. _____, effective _____)

Section 672.605 Parties to Hearings

The Department and the Applicants, or Vendors, former Vendors, or any person or entity engaged in the activity of a WIC Vendor shall be the only parties to administrative hearings before the Department.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.610 Appearance and Representation of a Party

- a) A party may be represented by an attorney who is licensed in Illinois. Attorneys who appear in a representative capacity must file a written notice of appearance setting forth:

- 1) the name, address and telephone number of the attorney;
- 2) the name and address of the party represented; and
- 3) an affirmative statement indicating that the attorney is licensed to practice law in Illinois.

- b) An attorney, licensed to practice law, may withdraw from employment as a representative only upon written notice to the Department stating the reasons for withdrawal and consistent with the Code of Civil Procedure. (735 ILCS 5/1-101) (Ill. Rev. Stat. 1991, ch. 110, par. 1-101.) Such withdrawal shall require an appropriate ruling by the Administrative Law Judge ~~Hearing Officer~~.

- c) A sole proprietor who is authorized as a WIC Retail Vendor or former Vendor, or any

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person or entity engaged in the activity of a WIC Vendor may appear and be heard on his own behalf.

- d) A corporation or association which is authorized as a WIC Retail Vendor or was authorized as a former Vendor, or any person or entity engaged in the activity of a WIC Vendor shall appear and be heard only by an attorney licensed to practice in the State of Illinois.
- e) A partnership or limited partnership authorized as a WIC Retail Vendor or was authorized as a former Vendor, or any person or entity engaged in the activity of a WIC Vendor may appear and be heard by any partner, upon presentation to the Department of written authorization from all partners authorizing him to act in a representative capacity.

- f) Special appearances are not recognized. The initial appearance regardless of form is deemed a general appearance.

- g) Each party to a proceeding who appears before the Department either in person or by counsel, shall inform the Department in writing or upon the record of the address at which any notice or other document may be served upon him or her in such proceeding. All further service may be made by regular mail unless otherwise required by statute or rule. Service shall be presumed unless disputed in the record.

- h) Attorneys appearing before the Department shall conform their conduct to the Illinois Code of Professional Responsibility, effective December, 1989, and as amended. Any failure to behave in a manner which permits the efficient functioning of the hearing will authorize the Administrative Law Judge ~~Hearing Officer~~ to take the following actions:

- 1) limitation of evidence;
- 2) substitution of written argument in place of oral argument; or
- 3) exclusion of an attorney from the proceeding.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.615 Commencement of an Action

Administrative actions under these rules shall be commenced by the Director or designee signing and issuing a notice of violation, termination, or penalty assessment or as a result of a request for a hearing by an Applicant resulting from denial of Authorization. The effective date of any notice of violation, termination, or penalty assessment or any denial of authorization shall be not less than 15 days from the date of receipt of such notification.

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a) For notice in all actions under this Part, the Department shall serve on all parties to a Contested Case a notice of an opportunity for an administrative hearing. The notice shall be signed by the Director.

1) The notice of an opportunity for an administrative hearing shall contain:

- A) a statement of the nature of the hearing;
 - B) a statement of the date and place at which a request for a hearing from the person given the opportunity for a hearing is to be received by the Department, and the date set for receipt of the request for a hearing shall be at least fifteen (15) calendar days from the date the notice is mailed or personally served;
 - C) a statement of the legal authority and jurisdiction under which the hearing is to be held;
 - D) a reference to the applicable sections of USDA WIC Regulations, the Act, or this Part; and
 - E) unless accompanied by a notice of violation, a short, plain statement of the matters asserted.
- 2) An administrative hearing must be requested within fifteen (15) calendar days of receipt.
- 3) An Applicant or a WIC Retail Vendor who receives a notice of an opportunity for an administrative hearing must submit a written request for the hearing to the Department. The request is to be sent to the Department at the address stated in the notice and must be postmarked by the date set forth in the notice. Failure to comply with this rule shall constitute a waiver of the person's right to an administrative hearing.

b) Upon receipt of the request for a hearing within the stated time frame, the Department shall issue a notice of an administrative hearing. The notice of an administrative hearing shall contain:

- 1) a statement of the nature of the hearing;
- 2) a statement of the time and place of the hearing or if a pre-hearing or conference is scheduled by the Department, the time and place of the conference;
- 3) a statement of the legal authority and jurisdiction under which the hearing is to

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be held;

- 4) a reference to the applicable sections of USDA WIC Regulations, the Act, or this Part.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.620

Motions

- a) Motions, unless made during a hearing or the pre-hearing conference, shall be made in writing and shall be set for the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of motion. Motions to amend the notice of violation and answer may be allowed in accordance with Section 2-616 of the Code of Civil Procedure (735 ILCS 5/2-616) (Ill. Rev. Stat. 1991, ch. 110, par. 2-616), upon proper motion at any time during the pendency of the proceedings, such motion shall not effect the hearing timeframes set forth in this Part. Motions based on a matter which does not appear of record shall be supported by affidavit.
- b) Written motions shall be titled as to the party making the motion and the nature of the relief sought. Such title shall be in capital letters and shall be placed below the caption or to the right of the caption beneath the docket number. No motion shall be identically titled with any other Motion.
- c) If not raised at the earliest opportunity, motions to the pleadings shall be deemed waived. Motions to the pleadings shall not be granted if the pleadings are in conformity with Section 672.625 of this Part or the information sought is obtainable through discovery.
- d) The Administrative Law Judge ~~Hearing Officer~~ shall not have the authority to postpone, vacate, or overturn an order of the Department, but may make a recommendation to the Director any time before he issues the Administrative Law Judge's Hearing Officer's report that an interim order be issued postponing, vacating, or overturning the order if circumstances merit such a recommendation.
- e) Motions for a continuance shall be granted only in accordance with Section 2-1007 of the Code of Civil Procedure (735 ILCS 5/2-1007) (Ill. Rev. Stat. 1991, ch.110, par. 2-1007). Motions for continuance shall be in writing and filed at least three (3) calendar days prior to the hearing. Such motions shall state the basis for the request and all steps taken to avoid the necessity of a continuance.
 - 1) Only one continuance shall be allowed for the Vendor and Department. No continuance may be for more than fourteen (14) calendar days.
 - 2) After one continuance has been granted to a party, an additional continuance

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may be granted to that party only if there is a bona fide emergency or "Act of God."

- 3) Whenever possible as much of the hearing as possible shall be heard and only those matters that must be continued shall be continued.

- f) All motions, petitions and other pleadings under this Section shall be filed with the Administrative Law Judge Hearing-Officer with a copy being sent to all other parties.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.640 Pre-Hearing Conferences

- a) A pre-hearing conference shall be scheduled by the Administrative Law Judge Hearing-Officer or the Department as a result of a request pursuant to subsection (b). (See Section 672.615(b)). This conference shall be held prior to the date of hearing and shall be for the purpose of considering:

- 1) the simplification of the issues;
- 2) amendments to the pleadings;
- 3) the possibility of obtaining admissions of fact and of documents which shall avoid unnecessary proof;
- 4) the limitation of the number of expert witnesses; and
- 5) any other matters which may aid in the disposition of the hearing.

- b) After a pre-hearing conference, the Administrative Law Judge Hearing-Officer shall make a report which recites any action taken by the Administrative Law Judge Hearing-Officer and any agreements made by the parties as to any of the matters considered and which specifies as the issues for hearing those not disposed of at the conference.

- c) A certified stenographic reporter shall not be present at a pre-hearing conference unless one of the parties to the proceeding requests the Department to make arrangements for a court reporter to be present. Such request must be received by the Department at least two (2) working days in advance of the scheduled pre-hearing conference. The party requesting the presence of the court reporter shall be billed directly for the services of the reporter.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.645 Conduct of Hearings

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- a) All hearings conducted in any proceedings shall be open to the public.

- b) Hearings shall be conducted by the Director or by a Administrative Law Judge Hearing-Officer appointed by the Director. If the Director conducts the hearings, any reference, to this Part to the Administrative Law Judge Hearing-Officer, shall be read to refer to the Director.

- c) The Administrative Law Judge Hearing-Officer shall conduct hearings; administer oaths; issue subpoenas; regulate the course of hearings; hold informal conferences for the settlement, simplification or definition of issues; dispose of procedural requests, motions, and similar matters; continue the hearing from time to time when necessary; examine witnesses; rule upon the admissibility of evidence and amendments to pleadings; issue recommended findings to the Director.

- d) The Administrative Law Judge Hearing-Officer shall direct all parties to enter their appearances on the record.

- e) The Administrative Law Judge Hearing-Officer shall be appointed by the Director and shall be an attorney licensed to practice law in the State of Illinois.

- f) Written opening arguments, written closing arguments, legal memorandum, trial briefs, or similar documents shall not be permitted unless all parties so stipulate. This rule shall not prohibit the Administrative Law Judge Hearing-Officer from requesting that certain issues be briefed by the parties.

- g) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Unless precluded by law, disposition may be made of any Contested Case by stipulation, agreed settlement, consent order, or default.

- h) At any stage of the hearing or after all parties have completed the presentation of their evidence, the Department, or its Administrative Law Judge Hearing-Officer may call upon any party, technical staff of the Department, or other departments of state government, or state universities for further materials or relevant evidence upon any issue.

- i) The rules of evidence and privilege as applied in civil cases in the circuit court of this state shall be followed. However, evidence not admissible under such rules of evidence may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonable prudent persons in the conduct of their affairs. Immaterial, irrelevant, or unduly repetitious material shall be excluded. All admissible evidence shall be considered in accordance with its relative probative value in formulating the final decision of the Director and also in formulating the findings of fact and conclusions of law which support the decision. A copy of the whole or any

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part of an admissible book, record, paper, or memorandum of the Department which is made by photostatic or other method of accurate and permanent reproduction may be admitted in evidence at the hearing without further proof of the accuracy of such copy. When any material or relevant matter offered in evidence by any party is embraced in a book, paper, or document containing other matter not material or relevant, the party offering the same shall plainly designate the matter so offered. In any hearing conducted pursuant to this part, the Administrative Law Judge shall admit a photograph of any money or other property alleged to have been exchanged for a WIC Food Instrument as competent evidence of the money or other property. It is not a prerequisite to application of this section that the money or property is unavailable. Objections to evidentiary offers may be made and shall be noted in the record.

j) Official notice may be taken of matters of which circuit courts of this state may take judicial notice. In addition, official notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Department's experience, technical competence and specialized knowledge may be utilized in the evaluation of evidence.

k) The Department will arrange for a certified stenographic reporter to make a stenographic record of the hearings in all administrative hearings under this Part. Any person may make arrangements to obtain a copy of the stenographic record from the reporter. The Department reserves the right to employ a certified stenographic reporter. A copy of any stenographic record made by a Department employee may be purchased from the Department at a cost of one dollar (\$1) per page.

l) Suggested corrections to the transcript of record may be offered within five (5) calendar days after the transcript is filed in the proceedings, unless the Director or the Administrative Law Judge Hearing-Officer permits suggested corrections to be offered thereafter. Suggested corrections shall be served upon or brought to the attention of such party, whose appearance is of record, or his attorney, the official reporter, or the Administrative Law Judge Hearing-Officer. If suggested corrections are not objected to, the Administrative Law Judge Hearing-Officer shall direct the corrections to be made and the manner of making them. In case the parties disagree on suggested corrections, they may be heard by the Administrative Law Judge Hearing-Officer, who shall then determine the manner in which the record shall be changed, if at all.

m) No exception need be taken to any ruling or action of the Department or of its Administrative Law Judge Hearing-Officer.

n) Venue shall be the location designated in the notice of administrative hearing or notice of an opportunity for an administrative hearing. Venue may be moved to another

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location only upon stipulation by all parties or ordered by the Administrative Law Judge Hearing-Officer.

o) If a party, or any person at the instance of or in collusion with a party, violates any of this Part or ruling of the Administrative Law Judge Hearing-Officer, the Administrative Law Judge Hearing-Officer, on motion, may enter such orders as are just, including, among others, the following:

- 1) that further proceedings be stayed until the order or rule is complied with;
- 2) that the party in violation be barred from filing any other pleading relating to any issue to which the refusal or failure relates;
- 3) that he be barred from maintaining any particular claim or defense relating to that issue;
- 4) that a witness be barred from testifying concerning that issue;
- 5) that, as to claims or defenses asserted in any pleading to which that issue is material, a judgment by default be entered against the offending party or that his notice or petition suit be dismissed with or without prejudice; or
- 6) that any portion of his pleadings relating to that issue be stricken and judgment be entered as to that issue.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.650 Subpoenas

a) Subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records or memoranda may be issued by the Director or the Administrative Law Judge Hearing-Officer upon his own motion or upon the written request of any party to the proceeding. The Director or the Administrative Law Judge Hearing-Officer may require the party requesting the issuance of subpoenas to demonstrate the relevancy of the request to the issues in the hearing.

b) Subpoenas issued by the Director or the Administrative Law Judge Hearing-Officer upon the request of a party to the proceeding shall be delivered to the requesting party who shall be responsible for serving the subpoenas. Subpoenas shall be served personally, transmitted by facsimile or by Certified Mail.

c) The witness fee for attendance and travel shall be the same as the fee of the witnesses before the Circuit Courts of this State. When a witness is subpoenaed by the Director

or Administrative Law Judge ~~Hearing Officer~~ upon his own motion or upon the request of the Department, the witness fee shall be the same as the fee of the witnesses before the Circuit Courts of the State and the travel expenses shall be paid in accordance with the State travel rules (80 Ill. Adm. Code 3000).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.660 Administrative Law Judge's ~~Hearing Officer's~~ Report and Final Decision

- a) At the conclusion of a hearing at which the Director has not presided, the Administrative Law Judge ~~Hearing Officer~~ shall make a report of the hearing, with his findings of fact and conclusions of law and his recommendations, if any, to the Director. This ~~which~~ report shall be accompanied by a transcript of the record, all exhibits admitted into evidence, copies of all pleadings and documents or evidence made a part of the record and any other material which is deemed to be a part of the record.
- b) The Director or his designee shall review the entire record of administrative proceedings as set forth in Section 672.670 and shall issue a final order within ninety (90) calendar days of the receipt of the request for a hearing.
- c) The Director shall adopt a final decision in each case supported by concise findings of fact and appropriate conclusions of law. The decision and supporting findings of fact and conclusions of law shall be made a part of the official record of each hearing. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the finding.
- d) A copy of any decision or order of the Director shall be served personally or by Certified Mail or by registered mail upon all parties of record or their agents appointed to receive service.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 672.665 Records of Proceedings

- a) A full and complete record shall be kept of all proceedings. The record shall consist of the following:
 - 1) all pleadings (including all notices and responses thereto), motions, and rulings;
 - 2) a transcript of the hearing, if any, and all evidence received;
 - 3) a statement of matters officially noticed;

- 4) offers of proof, objections and ruling thereon;
 - 5) proposed findings and exceptions;
 - 6) any decision, opinion or report by the Administrative Law Judge ~~Hearing Officer~~;
 - 7) all staff memoranda or data submitted to the Administrative Law Judge ~~Hearing Officer~~ or members of the Department in connection with their consideration of the case; and
 - 8) any communication prohibited by Section 15 of the IAPA; however, such communications shall not form the basis for any finding of fact.
- b) Unless a party requests that the following documents be included in the record, the following shall be excluded from the record:

- 1) subpoenas;
- 2) requests for subpoenas;
- 3) cover letters;
- 4) notices of filing or proofs of service; and
- 5) certificates of mailing for regular mail.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Racing Rules
- 2) Code Citation: 11 Ill. Adm. Code 1318
- Section Numbers: 1318.30 Proposed Action: Amendment
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) A complete description of the subjects and issues involved: This rulemaking allows for disqualification of an entry when a part of the entry causes interference, allowing the other part of the entry to gain an advantage, but does not finish in the money.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- All comments should be submitted in writing, within 30 days of this notice, to:
- Illinois Racing Board, Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601
- 12) Initial Regulatory Flexibility Analysis:
- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 15, 1993
- B) Types of small business affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
- SUBTITLE B: HORSE RACING
- CHAPTER I: ILLINOIS RACING BOARD
- SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1318
RACING RULES

Section	Racing Conduct
1318.10	Complaints
1318.20	Disqualification of Entries
1318.30	Penalties
1318.40	Unsatisfactory Driving
1318.50	Driver Substitution
1318.60	Failure to Finish
1318.70	Improper Conduct
1318.80	Whips and Snappers
1318.90	Goadng Devices
1318.100	Accidents
1318.110	Use of Hopples
1318.120	Breaking
1318.130	Breaking on Purpose
1318.140	Call Out Breaks
1318.150	Right of Course
1318.160	Penalties
1318.170	Harness Tracks Without a Continuous Hub Rail
1318.180	Open Stretch Racing
1318.190	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1993, ch. 8, par. 37-9(b) [230 ILCS 5]).

SOURCE: Published in Rules and Regulations of Harness Racing. (Original date not cited in publication); adopted December 22, 1977, filed December 30, 1977; codified at 5 Ill. Reg. 10945; amended at 5 Ill. Reg. 13719, effective December 2, 1981; emergency amendment at 15 Ill. Reg. 15610, effective October 10, 1991, for a maximum of 150 days, emergency expired March 8, 1992; amended at 16 Ill. Reg. 7489, effective April 27, 1992; amended at 17 Ill. Reg. _____, effective _____.

Section 1318.30 Disqualification of Entries

- a) If two or more horses are coupled in the betting as an entry and one or more of them is guilty of interference or is disqualified for violation of any portion of ~~Rule 18~~ Part 1318 (11 Ill. Adm. Code ~~Part 1318~~ 1318) the other horse coupled as an entry shall also be

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disqualified if the stewards determine, based on their viewing of the race and the video replays, that such violation affected the finish of the race. If said violation is without effect upon the finish of the race, the offender shall be disqualified and the other horse in the entry shall not be disqualified.

- b) In determining the extent of disqualification, the stewards shall disqualify and place the offending horse or horses behind such horses as may have suffered by reason of the violation of the rules.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Rules of the Race
- 2) Code Citation: 11 Ill. Adm. Code 1416
- Section Numbers: 1416.5 Proposed Action: Amendment
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) A complete description of the subjects and issues involved: This rulemaking specifies that a jockey who crosses or moves his horse in front of another horse may be disciplined if that moving action causes interference or intimidation.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
All comments should be submitted in writing, within 30 days of this notice, to:

Illinois Racing Board, Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 12, 1993.
 - B) Types of small business affected: None
 - C) Reporting, bookkeeping or other procedures required for compliance: None
 - D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHbred)PART 1416
RULES OF THE RACE

Section

1416.5 Disqualification in Race

1416.10 Foul Riding

1416.20 Leaving Course

1416.30 Division of Purse in Dead Heat

1416.40 Dead Heat for First Place

1416.50 Official Records of Horse

1416.60 Walkover

1416.70 Value of Race

1416.80 Surplus

1416.90 Winnings

1416.100 Winnings in One Race

1416.110 Winner a Walkover

1416.120 Race Not Run or Void

1416.130 No Horse in Race

1416.140 Horse Ridden Out

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1993, ch. 8, par. 37-9(b) [230 ILCS 5/9(b)]).

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10988; amended at 17 Ill. Reg. _____, effective _____.

Section 1416.5 Disqualification in Race

- a) When clear, a horse may be taken to any part of the course, provided that crossing or weaving in front of any horse ~~constitutes~~ may constitute interference or intimidation for which the ~~offender~~ offending jockey may be disciplined.
- b) A horse crossing another so as actually to impede him is disqualified, unless the impeded horse was partly in fault or the crossing was wholly caused by the fault of some other horse or jockey.
- c) If a horse or jockey jostles another horse, the aggressor may be disqualified, unless the impeded horse or his jockey was partly in fault or the jostle was wholly caused by the fault of some other horse or jockey.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- d) If a jockey willfully strikes another horse or jockey, or rides willfully or carelessly so as to injure another horse which is in no way in fault or so as to cause other horses to do so, his horse is disqualified.
- e) When a horse is disqualified under this rule every horse in the same race entered by the same trainer, whether belonging to the same owner or not may also be disqualified at the discretion of the stewards.
- f) Complaints under this rule can only be received from the owner, trainer or jockey of the horse alleged to be aggrieved, and must be made to the clerk of the scales or to the stewards before or immediately after his jockey has passed the scales. But nothing in this rule shall prevent the stewards taking cognizance of foul riding.
- g) Any jockey against whom a foul is claimed shall be given the opportunity to appear before the stewards before any decision is made by them.
- h) A jockey whose horse has been disqualified or who unnecessarily causes his horse to shorten his stride with a view to complaint, or an owner, trainer or jockey who complains frivolously that his horse was crossed or jostled, may be fined or suspended.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: the Illinois Library System Act

2) Code Citation: 23 Ill. Adm. Code 3030

3) Section Numbers: 3030.105
Proposed Action:
Amendment

4) Statutory Authority: Implementing authorized by the Illinois Library System Act (Ill. Stat. 1991, ch. 81, pars. 111 et seq.) {75 ILCS 10/1.1 et seq.}

5) A Complete Description of the Subjects and Issues Involved: The deadline for the public library grant is extended at the discretion of the State Librarian for reasons pertaining to disasters.

6) Will this proposed rule replace an emergency rule currently in effect? Yes.

7) Does this rulemaking contain an automatic repeal date? Yes
x No

8) Does this amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This change will enable the deadline for the grant program to be extended for libraries in areas affected by floods and other disasters.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments and questions should be addressed by August 15, 1993 to:

Kathleen L. Bloomberg
Associate Director, Library Development Group
Illinois State Library
300 South Second Street
Springfield, Illinois 62701
(217) 785-0052

12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment appearing in this issue of the Illinois Register on page _____.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Rates To Be Charged By Official Testing Stations for Second Division Vehicles Other Than School Buses

2) Code Citation: 92 Ill. Adm. Code 454

3) Section Numbers:
454.20 Amend
454.30 Amend
454.40 Amend
454.60 Amend
454.210 Amend
454.250 Amend
454.310 Amend
454.410 Amend
454.510 Amend

Proposed Action:

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 95 1/2, par. 13-106 [625 ILCS 5/13-106]

5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department proposes to rename the heading of this Part to "Rates to Be Charged By Official Testing Stations for Vehicles Other Than School Buses."

At one time, only second division vehicles and school buses were required to be inspected. At the present time, certain first division vehicles are also required to be inspected. The Department proposes to rename this Part to more accurately reflect all vehicles which require inspection.

The Department proposes to update the Division of Traffic Safety's mailing and street address and to update statutory citations to reference the Illinois Compiled Statutes. Definitions were also added, clarified and corrected in Section 454.40.

The Department proposes to increase the base inspection rates which Official Testing Stations can charge for vehicle inspections by approximately 45%. This increase reflects the rise in the consumer price index since 1982 which was the year of the last "across the board" base rate increase. This base rate increase will allow Official Testing Stations to increase their rates without requesting a rate increase hearing. This increase will not affect those Stations that have an existing rate which is already higher than the new base rate. A Station can also choose to remain below the base rate at their existing rate.

The Department also proposes to add a new place for rate increase hearings to be held in Southern Illinois. Accordingly, the Department's office in

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Carbondale, Illinois has been designated as the new hearing location. This rulemaking designates which counties will be included in the Carbondale region. The address for the Carbondale office is included. The address for the Department's Schaumburg, Illinois office is corrected.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This amendment will not affect units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Planning and Program Support Section; 3rd Floor
Springfield

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This amendment affects small

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

businesses which own or operate Illinois Official Testing Stations.

B) Reporting, bookkeeping or other procedures required for compliance: Owners or operators of Official Testing Stations must report to the Department if they wish to increase their rates to the new base rates.

C) Types of professional skills necessary for compliance: No professional skills are required for compliance.

The full text of the Proposed Rule(s) begins on the next page:

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 454
RATES TO BE CHARGED BY OFFICIAL TESTING
STATIONS FOR SECOND-DIVISION VEHICLES
OTHER THAN SCHOOL BUSES

SUBPART A: RULES OF GENERAL APPLICABILITY

Section
454.10 General Information
454.20 Information; Special Instructions
454.30 Communications and Pleadings
454.40 Definitions
454.50 Rules of Construction
454.60 Regulatory Dockets
454.70 Appearances

SUBPART B: DOCUMENT SPECIFICATIONS GENERALLY

Section
454.110 Typographical Specifications
454.120 Copies
454.130 Time
454.140 Service

SUBPART C: RULES FOR FILING AND APPROVAL OF RATES AND CHARGES

Section
454.200 General Requirements
454.210 Application for Rate Approval
454.220 Initial Application Review
454.230 Processing of Application
454.240 Withdrawal
454.250 Application for Rate Change
454.260 Appeal

SUBPART D: LEVEL OF RATES OR CHARGES

Section
454.300 General Requirements
454.310 Rates or Charges
454.320 Enforcement

SUBPART E: HEARINGS ON PETITIONS FOR APPROVAL OF DISALLOWED RATES AND APPEALS

Section
454.400 Request for Hearing
454.410 Notice and Place of Hearing
454.420 Hearings
454.430 Presiding Officer's Decision
454.440 Appeal

SUBPART F: COMPLAINTS OF UNREASONABLE OR UNJUST RATES

Section
454.500 Notice
454.510 Complaints
454.520 Reply
454.530 Request for Hearing
454.540 Hearing
454.550 Presiding Officer's Decision
454.560 Appeal

SUBPART G: MISCELLANEOUS PROVISIONS

Section
454.600 Discovery
454.610 Motions
454.620 Intervention

AUTHORITY: Implementing Section 13-106 of the Illinois Vehicle Code (Ill. Rev. Stat. 1984~~91~~, ch. 95 1/2, par. 13-106) [625 ILCS 5/13-106] and Section 49.22 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1984~~91~~, ch. 127, par. 49.22) [20 ILCS 2705/49.22] and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1984~~91~~, ch. 127, par. 16) [20 ILCS 5/16] and Section 47 1-65 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1984~~91~~, ch. 127, par. 4047 1001-65 [5 ILCS 100/1-65])

SOURCE: Adopted at 2 Ill. Reg. 26, p. 149, effective May 26, 1978; amended at 5 Ill. Reg. 12989, effective November 16, 1981; codified at 7 Ill. Reg. 2748; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Bold face print denotes statutory language.

Section 454.20 Information; Special Instructions

Information as to procedure under the rules in this Part and

instructions supplementing these rules this Part in special instances, will be furnished upon written application to the Director, Division of Traffic Safety, Illinois Department of Transportation, 2300-South-Dixie-Parkway, 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62764 62794-9212

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 454.30 Communications and Pleadings

- a) How addressed. All communication and pleadings should, unless otherwise specifically directed, be addressed and submitted to: Director, Division of Traffic Safety, Illinois Department of Transportation, 2300-South-Dixie-Parkway 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62764 62794-9212. All communications should clearly designate the docket number, if any, and short title of any proceeding to and about which it is directed. The person communicating shall state his address, and the party he represents.
- b) Timely Filing Required. All documents required or permitted to be filed under these Rules must be received for filing at the offices of the Department's Division of Traffic Safety in Springfield, Illinois, within the time limits, if any, for such filing. The date of receipt at the Department and not the date of deposit in the mail is determinative, provided, however, that is such document is mailed by certified, registered, or express mail postmarked at least two days prior to the due date, it will be accepted as timely filed.
- c) Disposition of; When Defective. In any proceeding when upon inspection the Department is of the opinion that a document tendered for filing does not comply with these Rules or does not sufficiently set forth material required by any form of the Department, the Department may decline to accept it for filing and advise the person tendering it of the deficiency and require that the deficiency be corrected.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 454.40 Definitions

As used in these Rules this Part:

"Commercial Vehicle Safety Section" means a section of the Bureau of Safety Programs of the Division of Traffic Safety of the Illinois Department of Transportation.

"Department" means the Illinois Department of Transportation of the State of Illinois, acting directly or through its duly authorized agents or officers (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 13-100) [625 ILCS 5/13-100];

"Director" means the Director of the Division of Traffic Safety of the Illinois Department of Transportation;

"Division" means the Division of Traffic Safety of the Illinois Department of Transportation;

"Illinois Vehicle Code" means the provisions of Chapter 95 1/2 of the Illinois Revised Statutes [Chapter 625 of the Illinois Compiled Statutes] as now or hereafter amended;

"Official Testing Station" means all contiguous real and personal property which houses the testing lane(s) and all equipment and supplies relating to the vehicle safety test program;

"Person" means any person as defined in Section 1-159 of the Illinois Vehicle Code;

"Rate" or "Charge" means the monetary charge to any person offering a second division vehicle or vehicles other than a school bus for a safety test pursuant to Section 13-106 of the Illinois Vehicle Code;

"Safety test" means the test required by Section 13-101 of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 13-101.) [625 ILCS 5/13-101];

"Second Division Vehicle" means those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodelled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division registered as school buses (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 1-217) [625 ILCS 5/1-217];

"Secretary" means the Secretary of the Illinois Department of Transportation;

"Section" means the Vehicle Inspection Section of the Bureau of Safety Operations of the Division of Traffic Safety of the Illinois Department of Transportation.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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Section 454.60 Regulatory Dockets

- a) Information and data relating to Department actions pursuant to this part are maintained by the Bureau of Safety Operations Programs, Division of Traffic Safety, Illinois Department of Transportation 3300-South-Dirksen-Parkway 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62764 62794-9212.
- b) Any person may examine and copy any docketed material at the offices of the Division during regular business hours.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 454.210 Application for Rate Approval

- a) Each applicant for an Official Testing Station Permit shall file with the Department a proposed schedule of all rates and charges intended to be made by him for performing a safety test on ~~second~~ division vehicles other than school buses and for which he seeks the approval of the Department. Each application made under this paragraph subsection shall be filed by the applicant after he submits his application for a station permit pursuant to the ~~Department's Rules and Regulations 92 Ill. Adm. Code 451. "Administrative Requirements for Official Testing Stations"~~ but prior to the issuance of the station permit to him by the Department. The applicant shall submit his proposed schedule on the form provided by the Department by mailing or delivering that form to: ~~Vehicle Inspection Section Bureau of Safety Programs, Illinois Department of Transportation, 3300-West-Washington Street, Post-Office-Box-4069, 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62708 62794-9212.~~

- b) A schedule of rates and charges filed with the Department under paragraph subsection (a) ~~of this Section~~ shall include an amount to reimburse the operator of an Official Testing Station for the purchase from the Department of the Certificate of Safety required by Section 13-109 of the Illinois Vehicle Code (Ill. Rev. Stat. 1981, ch. 95 1/2, par. 13-109) [625 ILCS 5/13-109] which amount shall not exceed the fee paid by the operator ~~of~~ to the Department for the Certificate.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 454.250 Application for Rate Change

- a) Any operator of an Official Testing Station who desires to change

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his schedule of rates and charges filed with and approved by the Department shall file with the Department the new schedule of rates and charges proposed to be made by him for performing a safety ~~test inspection~~ on second-division vehicles other than school buses.

- b) Applications under paragraph subsection (a) ~~of this Section~~ shall be submitted on the form provided by the Department by mailing or delivering that form to: ~~Vehicle Inspection Section Bureau of Safety Programs, Illinois Department of Transportation, 3300-West-Washington Street, Post-Office-Box-4069 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62708 62794-9212.~~
- c) Applications under this Section shall initially be reviewed as provided in Section 454.220 and processed as provided in Section 454.230.
- d) Withdrawals of applications under this ~~Section~~ shall be governed by Section 454.240.
- e) If a proposed change in an applicant's rate or charge is disallowed or denied by the ~~Section Commercial Vehicle Safety Section~~, an applicant may file a written petition under Section 454.260. All hearings scheduled under this ~~paragraph~~ subsection shall be conducted in accordance with the provisions of Sections 454.400-through 454.440.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 454.310 Rates or Charges

The following rates or charges for safety inspections of ~~second-division~~ vehicles other than school buses have been determined by the Department to be prima facie just and reasonable rates or charges for the counties indicated. ~~An application for a charge or rate equal to or less than the specified charge or rate will be approved. Any existing charge or rate which has previously been approved by the Department is acceptable. An application for a future charge or rate in excess of the specified charge or rate will be disapproved. If a proposed rate or charge is disapproved by the Section Commercial Vehicle Safety Section, an applicant may appeal the disapproval to the Director under Section 454.260. The following rates or charges do not include the Certificate of Safety fee.~~

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Region	Counties	RATES	
		<u>SWA*</u>	<u>DWA**</u>
1	Lake, Cook, DuPage, Will, Kankakee, Kendall, Grundy	\$4.25	\$4.80
2	Jo Daviess, Stephenson, Winnebago, Boone, McHenry, DeKalb, Kane	\$3.55	\$4.00
3	Carroll, Ogle, Whiteside, Lee, LaSalle, Livingston, Marshall, Putnam, Bureau, Stark, Henry, Knox, Fulton, Warren, Henderson, Mercer, Rock Island	\$3.05	\$3.45
4	Peoria, Woodford, Tazewell, Mason, Menard, Sangamon, Morgan	\$3.60	\$4.05
5	McLean, DeWitt, Logan, Macon	\$2.70	\$3.05
6	Hancock, McDonough, Schuyler, Cass, Brown, Adams, Pike, Scott, Greene, Calhoun, Jersey, Macoupin	\$2.40	\$2.70
7	Iroquois, Ford, Vermilion, Champaign, Moultrie, Shelby, Coles, Douglas, Edgar	\$2.90	\$3.25
8	Christian, Montgomery, Bond, Clinton, Marion, Fayette, Effingham, Clay, Jasper	\$3.00	\$3.40
9	Madison, St. Clair	\$3.75	\$4.20
10	Monroe, Randolph, Washington, Perry, Jackson, Union	\$2.80	\$3.15
11	Cumberland, Clark, Crawford, Lawrence, Richland, Mabalsh, Edwards, Wayne, Jefferson, Franklin, Hamilton, White, Gallatin, Sallier, Williamson, Johnson, Pope, Hardin, Massac, Pulaski, Alexander	\$2.40	\$2.70
1	Cook, DuPage, Grundy, Kankakee, Kendall, Lake, Will	\$6.20	\$7.00
2	Boone, DeKalb, Jo Daviess, Kane, McHenry, Stephenson, Winnebago	\$5.15	\$5.80
3	Bureau, Carroll, Fulton, Henderson, Henry, Knox,	\$4.45	\$5.00

*SWA-Single
wheel-axle
**DWA-Double
wheel-axle

4	Mason, Menard, Morgan, Peoria, Sangamon, Tazewell, Woodford	\$5.25	\$5.90
5	DeWitt, Logan, Macon, McLean	\$3.95	\$4.45
6	Adams, Brown, Calhoun, Cass, Greene, Hancock, Jersey, Macoupin, McDonough, Pike, Schuyler, Scott	\$3.50	\$3.95
7	Coles, Champaign, Douglas, Edgar, Ford, Iroquois, Moultrie, Piatt, Shelby, Vermillion	\$4.25	\$4.75
8	Bond, Christian, Clay, Clinton, Effingham, Fayette, Jasper, Marion, Montgomery	\$4.35	\$4.95
9	Madison, St. Clair	\$5.45	\$6.10
10	Jackson, Monroe, Perry, Randolph, Union, Washington	\$4.10	\$4.60
11	Alexander, Clark, Crawford, Cumberland, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jefferson, Johnson, Lawrence, Massac, Pope, Pulaski, Richland, Saline, Mabalsh, Wayne, White, Williamson	\$3.50	\$3.95

*SWA-Single
wheel axle
**DWA-Double
wheel axle

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 454.410 Notice and Place of Hearing

- a) Hearing on petitions filed by operators of Official Testing Stations in McHenry, Lake, Kane, Cook, Kendall, Will, Jo Daviess, Stephenson, Winnebago, Boone, DuPage, Kankakee, Grundy, LaSalle, Carroll, Ogle, DeKalb, Whiteside, Lee, Rock Island, Henry and Bureau Boone, Bureau, Carroll, Cook, DeKalb, DuPage, Grundy, Henry, Jo Daviess, Kane, Kankakee, Kendall, Lake, LaSalle, Lee, McHenry, Ogle, Rock Island, Stephenson, Whiteside, Will, and Winnebago Counties shall be held at the offices of the Department at 1000 Plaza Drive 201 West Center Court, Schaumburg, Illinois 60172. Hearings for operators in Alexander, Clay,

DEPARTMENT OF TRANSPORTATION

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Clinton, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Lawrence, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White and Williamson Counties shall be held at the offices of the Department at 2801 West Murphysboro Road, Carbondale, Illinois. Hearing for operators of any other country shall be held at the Department's offices located at 320-West Washington-Street 3215 Executive Park Drive, Springfield, Illinois 62766.

- b) The Department shall, as soon as possible, give notice of the hearing to the person requesting the hearing and to the Department's Office of Chief Counsel. In the case of a petition for approval of rate change, the Department shall also cause to be published a Notice of the Petition for Rate Change in a newspaper of general circulation in the community in which the petitioner's Official Testing Station is located, setting forth the time and place of the hearing.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 454.510 Complaints

- a) Whenever any person intends to complain to the Department about the justness or reasonableness of any rate or charge filed by any operator with the Department, that person shall make the complaint in writing and mail or submit it to: ~~Vehicle-Inspection-Section~~ Bureau of Safety Programs, Illinois Department of Transportation, 320-West-Washington-Street, Post-Office-Box-4069 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62708 62794-9212.

- b) Each Complaint shall include:

- 1) the name, address and telephone number of the person making the complaint;
- 2) a statement whether the complainant owns or operates an Official Testing Station, and if applicable, the name, business address and telephone number of that Official Testing Station;
- 3) the name and if known the business address, of the operator against whom the person complains;
- 4) A description or statement of the rate(s) about which the person complains;

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- 5) a statement setting forth in detail the specific facts and reasons why the person believes the rate(s) about which that person complains is unjust or unreasonable; and
- 6) any information, document or other matters upon which the person relies.
- c) The facts asserted in any complaint must be sworn to by persons having knowledge thereof. Except under unusual circumstances, such persons should be those who will be available to appear as witnesses at a hearing convened by the Department to substantiate the facts asserted should a hearing become necessary.
- d) An original copy of the Complaint shall be filed with the Department. The original must show the signature, capacity and impression seal, if any, of the person administering the oath, and the date thereof.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities
- 2) Code Citation: 83 Ill. Adm. Code 590
- 3) Section Numbers: Adopted Action:
590.10 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act (Ill. Rev. Stat. 1991, ch. 111 2/3, par. 553) [220 ILCS 20/3].
- 5) Effective Date of Amendment: July 15, 1993
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? Yes. No JCAR approval necessary.
- 8) Date Filed in Agency's Principal Office: July 8, 1993
- 9) Notice of Proposal Published in Illinois Register:
February 26, 1993, at 17 Ill. Reg. 2466.
- 10) Has JCAR issued a Statement of Objections to this amendment?
No.

11) Difference(s) between proposal and final version: None.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
None required.

13) Will this amendment replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendment: This amendment is the periodic updating of this Part to comply with the requirements of Section 3 of the Illinois Gas Pipeline Safety Act.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this adopted amendment shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217) 785-8439

The full text of the Adopted Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER d: GAS UTILITIES

PART 590

MINIMUM SAFETY STANDARDS FOR TRANSPORTATION OF GAS AND FOR GAS PIPELINE FACILITIES

Section
590.10 Standards

AUTHORITY: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act (Ill. Rev. Stat. 1989~~91~~, ch. 111~~4~~, par. 553)[220 ILCS 20/3].

SOURCE: Filed effective November 28, 1977; amended at 3 Ill.Reg. 5, p. 761, effective February 3, 1979; amended at 3 Ill.Reg. 11, p. 25, effective March 17, 1979; amended at 4 Ill. Reg.1, p. 23, effective January 1, 1980; amended at 5 Ill. Reg. 6778, effective June 16, 1981; rules repealed, new rules adopted and codified at 7 Ill. Reg. 12858, effective September 16, 1983; amended at 8 Ill. Reg. 13195, effective July 16, 1984; amended at 10 Ill. Reg. 19405, effective November 15, 1986; amended at 11 Ill. Reg. 11733, effective July 1, 1987; amended at 12 Ill. Reg. 11707, effective July 15, 1988; recodified from 92 Ill. Adm. Code 1800 at 12 Ill. Reg. 12997; amended at 13 Ill. Reg. 16968, effective November 1, 1989; amended at 14 Ill. Reg. 10018, effective June 15, 1990; amended at 17 Ill. Reg. 12291, effective July 15, 1993.

Section 590.10 Standards

- a) The Illinois Commerce Commission adopts the standards contained in 49 CFR 191.23, 192, 193 and 199 as of ~~July 17, 1989~~ January 1, 1993, as its minimum safety standards for the transportation of gas and for gas pipeline facilities.
- b) No later amendment or editions are incorporated by this Part.

(Source: Amended at 17 Ill. Reg. 12291, effective July 15, 1993)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Telecommunications Relay services

2) Code Citation: 83 Ill. Adm. Code 756

3) Section Numbers: Adopted Action:

756.10 Amendment
756.15 Amendment
756.20 Amendment
756.30 New Section
756.100 Amendment
756.110 Amendment
756.115 Amendment
756.116 New Section
756.120 Amendment
756.125 Amendment
756.200 Amendment
756.205 Amendment
756.210 Amendment
756.220 Amendment
756.225 Amendment
756.300 Amendment

4) Statutory Authority: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 13-703 and 10-101) [220 ILCS 5/13-703 and 10-101].

5) Effective Date of Amendments: July 15, 1993

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: July 8, 1993

9) Notice of Proposal Published in Illinois Register:

October 16, 1992, at 16 Ill. Reg. 15605.

10) Has JCAR issued a Statement of Objections to these amendments? No.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

11) Difference(s) between proposal and final version:

Table of Contents: New Section 756.116 added.

Authority Note: Citation to ILCS added.

Section 756.10: ILCS citation added to definition of "Act."

Section 756.10: All definitions placed in correct alphabetical order.

Section 756.10: Definition of "MSA" deleted.

Section 756.10: "Speech-impaired" and "Speech-impaired blind" changed to "Speech-disabled" and "Speech-disabled blind" respectively.

Section 756.10: "Translate" changed to "Transliterate."

Section 756.15(a): "Complainant" changed to "User."

Section 756.15(e)(1): "Company" changed to "customer's LEC."

Section 756.15(e)(2): "with the LEC" added.

Section 756.30: New Section.

Section 756.100: "Intrastate" added. "Which" replaced by "that" in the third sentence.

Section 756.100(a) and (b): "Translate" replaced by "transliterate."

Section 756.115: Heading of Section changed.

Section 756.115(b)(2)(C): Subsection split into (i) and (ii).

Section 756.115(b)(3): Deleted.

Section 756.116: New Section.

Section 756.120(d): Time period changed from 7 months to 14 months.

Section 756.125: New subsection (b) adopted. Subsection (a)(2)(D) deleted.

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Section 756.205(f): Proposed language modified.

Section 756.205(m): New subsection added.

Section 756.210(a): New clause, "Before . . . operations," added.

Section 756.220(a): Proposed language modified.

Section 756.220(f): "and such IXC" deleted.

Section 756.225(b)(1): "and such IXC's" deleted.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None required.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: These amendments are designed to bring the rules into compliance with the Americans With Disabilities Act of 1990 and to provide flexibility in the provision of the relay service.

16) Information and questions regarding these adopted amendments shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217) 785-8439

The full text of the Adopted Amendments begins on the next page:

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 756

TELECOMMUNICATIONS DUAL-PARTY RELAY SERVICES

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Relay Service Operations and Specifications
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Staff Liaison
Advisory Council Rights
Biannual Workshop

AUTHORITY: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 13-703 and 10-101)[220 ILCS 5/13-703 and 10-101].

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SOURCE: Adopted at 12 Ill. Reg. 17321, effective October 15, 1988; amended at 15 Ill. Reg. 5618, effective April 15, 1991; emergency amendment at 16 Ill. Reg. 14470, effective September 3, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1848, effective February 1, 1993; amended at 17 Ill. Reg. 12294, effective July 15, 1993.

SUBPART A: GENERAL PROVISIONS

Section 756.10 Definitions

"Act" means ~~the~~ Public Utilities Act (Ill. Rev. Stat. 198791, ch. 111 2/3, pars. 1-101 et seq.)[220 ILCS 5].

"Advisory Council" means the advisory council established by 83 Ill. Adm. Code 755.405.

"American Sign Language" or "ASL" means a visual language based on hand shape, position, movement, and orientation of the hands in relation to each other and the body.

"ASCII" means the American Standard Code for Information Interexchange which employs an eight bit code and can operate at any standard transmission baud rate including 300, 1200, 2400 and higher.

"Baudot" means a seven bit code, only five of which are information bits. Baudot is used by some text telephones to communicate with each other at a 45.5 baud rate.

"Communication Assistant" or "CA" means a person who translates conversations from text to voice and from voice to text between two end users of relay services.

"Commission" means the Illinois Commerce Commission.

"Deaf or hard-of-hearing" refers to a person with a permanent hearing loss who can regularly and routinely communicate by telephone only through the aid of devices which can send and receive written messages over the telephone network.

"Deaf-blind" refers to a person who is deaf or hard-of-hearing and who also has a sight disability and who can regularly and routinely communicate by telephone only through the aid of a telebraille device.

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"Disability" refers to deaf or hard-of-hearing, deaf-blind, speech-disabled or speech-disabled blind.

"Eligible calls" means intrastate calls other than inter/intra MSA coin paid, hotel, motel, and hospital sent paid, calls to 900 numbers and 950 numbers, and calls to 976 numbers and other recorded announcements.

"Hearing carry over" or "HCO" means a reduced form of TRS where the person with the speech disability is able to listen to the other end user and, in reply, the CA speaks the text as typed by the person with the speech disability. The CA does not type any conversation.

"Illinois Telecommunications Access for the Deaf and Severely Hearing-Impaired Corporation" or "ITAC" means the not-for-profit corporation jointly established by the Illinois local exchange carriers in order to administer the programs mandated by Section 13-703 of the Act.

"IXC" means interexchange carrier, which is a telecommunications carrier providing interexchange service as defined in Section 13-205 of the Act.

"LEC" means local exchange carrier, which is a telecommunications carrier providing local service as defined in Section 13-204 of the Act.

"MSA" means Market Service Area which defines the local access-transport area for telephone service.

"Relay system" means the configuration, provision, and operation of the facilities, equipment and personnel through which the LEC's shall provide relay service.

"Speech-disabled" means a person with a permanent speech disability which precludes oral communication, who can regularly and routinely communicate by telephone only through the aid of devices which can send or receive written messages over the telephone network.

"Speech-disabled blind" means a speech-disabled person who also has a sight disability.

"Staff Liaison" means the Staff Liaison established by 83 Ill. Adm. Code 755.400.

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"System provider" means that corporation, organization, coalition, or entity who, under contract to the ITAC, provides the relay system through which the LEC's shall provide relay service.

"TTTPP" means text telephone telecommunications device for the deaf, a device which employs graphic or braille communication in the transmission of coded signals through a wire or radio communication system. allows deaf or severely hearing-impaired persons to send and receive written messages over the telephone network. The term shall include any "telebraille" device, a TT PDP which employs braille language symbols.

"Telecommunications Relay Service" (TRS) or "Relay service" means telephone transmission services that provide the ability for an individual with a disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a disability to communicate using voice communication services by wire or radio service provided pursuant to the dual-party relay program mandated by Section 13-703 of the Act.

"Transliterate Translate" means to verbally express a message received by TT PDP or to send by TT PDP a verbal message received.

"Voice carry over" or "VCO" means a reduced form of TRS where the person with the hearing disability is able to speak directly to the other end user. The CA types the response back to the person with the hearing disability. The CA does not voice the conversation.

(Source: Amended at 17 Ill. Reg. 12294, effective July 15, 1993)
Section 756.15 Dispute Procedures

- a) The system provider shall assign to one or more of its personnel the duty of hearing any dispute by a relay service user. Such personnel shall consider the user's allegations and shall explain the user's situation and system provider's assertions in connection therewith. Such personnel shall be authorized to act on behalf of the system provider in resolving the complaint and shall be available during all hours for this duty.

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- b) The system provider shall direct its personnel engaged in personal contact with the user seeking dispute resolution under the provisions of this Part to inform the user of his/her right to have the problem considered and acted upon by supervisory personnel of the relay service where any dispute cannot be resolved.
- c) Should a user express nonacceptance of the decision of supervisory personnel, the supervisory personnel shall then inform the user of his/her right to have the problem reviewed by ITAC, and shall furnish the user with the telephone number and address of ITAC.
- d) In cases where the dispute is not resolved, ITAC shall direct its personnel to inform the user of his/her right to have the problem reviewed by the Commission and shall furnish the user with the telephone number and address of the Consumer Services Division of the Commission. In addition, ITAC shall offer the assistance of the Advisory Council pursuant to Section 756.305(b).
- e) Billing disputes
- 1) When a customer disputes a particular bill, the customer's LEC shall not discontinue service for nonpayment so long as the customer:
 - A) pays the undisputed portion of the bill;
 - B) pays all future periodic bills by the due date; and
 - C) enters into discussions with the customer's LEC to settle the dispute.
 - 2) No late payment charge shall be charged on any disputed bill paid within 14 days of resolution of the dispute if the complaint was filed with the LEC before the bill became past due.
- f) Disputes arising under this Part shall also be governed by 83 Ill. Adm. Code 725.190 and 735.200.
- (Source: Amended at 17 Ill. Reg. 12294, effective July 15, 1993)

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Section 756.20 Notice

Unless otherwise indicated, "notice" means notice within 30 days of the event for which notice is required. Notice shall be given in writing or by TT FBP. Notice given by TT FBP shall be subject to hard copy recovery by, and at the discretion of, the receiver, except that an LEC or its agent shall mail a Braille copy of any notice to a telebraille recipient within 48 hours of the original transmission of notice.

(Source: Amended at 17 Ill. Reg. 12294, effective July 15, 1993)

Section 756.30 Waiver

If ITAC determines that compliance with any portion of this Part is technologically infeasible, it may request a waiver of such provision. A request for a waiver shall be made by petition and shall set forth a full statement of the reason for the requested waiver. The burden of proof in any request for a waiver shall be upon ITAC. If the Commission grants such waiver, it may specify the period for which such waiver is granted.

(Source: Added at 17 Ill. Reg. 12294 effective July 15, 1993)

SUBPART B: LEC OBLIGATIONS

Section 756.100 Components of Relay Service

The LEC's shall provide intrastate relay service whereby a hearing-impaired person with a disability utilizing a TT FBP (either ASCII or Baudot code capable) can communicate with a hearing person through the voice assistance of a CA relay-service-operator. All TRS conversations between TT and voice callers shall be in real time. The relay service shall accept eligible calls originating within the State of Illinois and shall terminate calls to any point within the State of Illinois which that can be dialed directly by a CA relay-service-operator at the request of the originating caller. Specifically the CA relay-service-operator shall do the following:

- a) Accept a call from a TT FBP-equipped caller, place a call to an voice-capable individual who does not have a disability and translate transcribe the TT FBP messages to voice messages and the voice messages to TT FBP messages in order to complete the communications link; and

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- b) Accept a call from a ~~voice-capable~~ caller who does not have a disability, place a call to a ~~TT TDD~~-equipped individual and ~~translate~~ transliterate the voice messages to ~~TT TDD~~ messages and ~~TT TDD~~ messages to voice messages in order to complete the communications link.

(Source: Amended at 17 Ill. Reg. 12294, effective July 15, 1993)

Section 756.110 Publicity Concerning Relay Service

- a) LEC's shall publicize the relay service. Publicity shall include, at a minimum:

1) Annual Bill inserts and notices published in the directories;

2) Placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of TT numbers in telephone directories;

23). Written notification to conventional news media such as daily, weekly, and monthly newspaper or magazines and the news departments of television and radio stations;

34) Written notification to organizations and to newsletters serving individuals with disabilities the deaf or severely hearing-impaired. Organizations and newsletters wishing to receive such notification must contact the LEC's and place themselves on a relay service information service list; and

45) Written notification to designated offices of the State of Illinois social service agencies, as provided in 83 Ill. Adm. Code 755.110(a)(4).

- b) Relay service information publicized by the LEC's shall include:

1) Relay service access numbers;

2) A description of the relay service functions prescribed in Section 756.100;

3) Statements of the full time availability of relay service; and

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- 4) Statements advising that, for the quickest response, ~~TT TDD~~ users should directly contact their local 9-1-1 service in emergency situations, or appropriate local emergency agencies in areas where 9-1-1 is not in service, ~~not employ the relay service to complete emergency calls (as defined in 83 Ill. Adm. Code 725), instead of employing the relay service to complete emergency calls (as defined in 83 Ill. Adm. Code 725).~~ ~~IEC publicity shall advise TDD users to directly contact their local 9-1-1 service in emergency situations, or appropriate local emergency agencies in areas where 9-1-1 is not in service.~~

(Source: Amended at 17 Ill. Reg. 12294, effective July 15, 1993)

Section 756.115 System Provider RFP Selection Process

- a) The ITAC shall develop and circulate to prospective system providers an RFP for the provision of the relay system through which LEC's shall provide the relay service mandated by Section 13-703(b) of the Act and this part.

1) The RFP shall require each respondent to submit a proposal for the design, configuration and supply of a statewide relay system meeting or exceeding the minimum specifications and standards prescribed in Sections 756.200, 756.205, 756.210 and 756.215.

2) The RFP shall require each respondent to supply, either through direct provision or through the securing of services and facilities provided by other entities, the following:

A) All relay center buildings, real estate, permits, rights-of-way or clearances necessary to operate the relay system as specified in this Part;

B) All telecommunications trunks, cables or lines connected to the relay center in order to receive or initiate telecommunications for the purposes of providing the relay system as specified in this Part;

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- C) All telecommunications or other facilities and equipment required in order to provide the relay system as specified in this Part;
 - D) All supplies, furniture or miscellaneous items required in order to provide the relay system as specified in this Part; and
 - E) All personnel and the training of such personnel required in order to staff and operate the relay system as specified in this Part.
- 3) The RFP shall state whether responses ~~require each respondent's proposal to~~ shall be based on a cost-plus-fee or a fixed-cost type contract arrangement.
- 4) Prior to circulating the RFP to prospective system providers, ITAC shall file the RFP with the Commission for approval, providing copies to the Advisory Council and Staff Liaison on the file date.
- A) The Advisory Council and Staff Liaison shall have the opportunity to file comments on the RFP within 20 business days following the file date of the RFP. The ITAC shall be allowed to respond to the comments within 10 business days following the close of the comment period.
- B) The Commission shall approve or disapprove the RFP for circulation to prospective system providers by ITAC based upon the conformity of the RFP with the requirements of Section 13-703(b) of the Act and this Part.
- C) If the Commission disapproves the RFP, the Commission shall:
- i) Specify those aspects which do not conform to the specifications of this Part; and
 - ii) Direct ITAC to revise the RFP in regard to those elements.

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- 5) System provider proposals shall be evaluated on the following criteria:
- A) The ability of a proposal to cost-effectively achieve the relay system requirements prescribed by this Part;
 - B) A bidder's abilities to fulfill the conditions of its proposal. The bidder shall be assessed according to its financial condition (e.g., net worth, cash flow, and ability to raise capital); technical, operational and managerial expertise; and past experience and level and quality of performance.
 - C) A bidder's prior experience in providing relay services ~~to the hearing-impaired~~.
- 6) Each RFP will indicate a date, time, and place for prospective system providers to submit a bid or proposal. Responses received late shall not be considered.
- 7) All bids or proposals received prior to the time set for opening shall be opened in public at the date, time, and place specified in the RFP.
- b) Evaluation procedure
- 1) Within two business days following the deadline for submission of proposals by all parties, the ITAC shall file with the Commission and provide to the Advisory Council and Staff Liaison a copy of each bid or proposal with a sworn statement by the president, a vice-president or secretary of ITAC stating that said proposals are complete records and that they were received by ITAC under seal which was not broken except as provided in subsection (a)(7);
 - 2) If, after evaluating all proposals, the ITAC Board determines that no proposals meet the requirements of Section 13-703(b) of the Act, this Part, or the RFP, the ITAC shall file with the Commission notice of this determination and a report citing the specific deficiencies of each proposal in adequately fulfilling the requirements of Section 13-703(b) of the Act, this Part, or the RFP.

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A) The Advisory Council and the Staff Liaison shall have the opportunity to file comments on this report within 20 business days of filing by ITAC. Comments in opposition to the ITAC determination shall cite and defend that proposal which the commentator believes best meets or exceeds the requirements of Section 13-703(b) of the Act, this Part, and the RFP.

B) The ITAC Board shall have the opportunity to file a response to the comments within 10 business days of the close of the comment period.

C) Based upon the requirements of Section 13-703(b) of the Act, this Part, and the RFP, the Commission shall either:

il) approve the ITAC determination and direct ITAC to develop and issue a new RFP according to the requirements of this Part, or to reissue its prior RFP, or to request any or all bidders to supplement their proposals to conform to the RFP; or

iii) deny the ITAC determination and specify a proposal which the ITAC shall be directed to accept.

3) ~~If after evaluating all proposals the ITAC Board determines that it is able to accept a proposal, this determination and a report citing the Board's rationale for its selection shall be filed with the Commission.~~

A) ~~The Advisory Council and the Staff Liaison shall have the opportunity to file comments on this report within 20 business days following the filing by ITAC. Comments in opposition to the ITAC selection shall either:~~

i) ~~Advise the Commission to direct the ITAC to accept another proposal. In this case, the commentator shall cite the specific deficiencies of the ITAC selection. The commentator shall also cite and defend another proposal, which the commentator believes best meets or ex-~~

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~~ceeds the requirements of Section 13-703(b) of the Act, this Part, and the RFP; or~~

ii) ~~Advise the Commission to direct the ITAC to accept none of the proposals and to develop and issue a new RFP according to the requirements of this Part. In this case, the commentator shall cite the specific deficiencies of each proposal.~~

B) ~~The ITAC Board shall have the opportunity to file a response to the comments within 10 business days of the close of the comment period.~~

C) ~~Based upon the requirements of the Act, this Part, and the RFP, the Commission shall either:~~

i) ~~Approve the ITAC selection and direct the Board to accept the proposal;~~

ii) ~~Deny the ITAC selection and specify another proposal which the ITAC shall be directed to accept; or~~

iii) ~~Deny the ITAC selection and direct the Board to develop and issue a new RFP according to the requirements of this Part, or to reissue its prior RFP.~~

(Source: Amended at 17 Ill. Reg. 12294, effective July 15, 1993)

Section 756.116 Commission Approval of Proposal

a) If, after evaluating all proposals, the ITAC Board determines that it is able to accept a proposal, it shall file a petition with the Commission seeking approval of the proposal. As part of the petition, the ITAC Board shall attach testimony supporting this determination and explaining the rationale for its selection. The Commission shall set the matter for a pre-hearing conference within 21 days of the filing of the petition.

b) The ITAC Board shall serve a copy of the petition and the supporting testimony on the Advisory Council and the Staff Liaison at the time of the filing with the Commission.

c) Based upon the requirements of the Act, this Part, and the RFP, the Commission shall either:

1) Approve the ITAC selection and direct the Board to accept the proposal. The Commission shall approve the selection if the proposal has been shown to meet the relay service program standards and specifications of this Part and to be the most cost-effective method of providing the service, as required by Section 13-703 of the Act.

2) Deny the ITAC selection and specify another proposal that the ITAC shall be directed to accept because it meets the relay service program standards and specifications of this Part and it is the most cost-effective method of providing the service; or

3) Deny the ITAC selection and direct the Board to develop and issue a new RFP, to reissue its prior RFP, or to request any and all bidders to supplement their proposals to conform to the RFP.

d) The Commission shall issue an order on the petition for approval within 150 days of the date of filing of ITAC's petition.

(Source: Added at 17 Ill. Reg. 12294, effective July 15, 1993)

Section 756.120 System Provider Interactions

a) Upon Commission approval and ITAC acceptance of a proposal, the ITAC and the selected respondent shall draft a contract which each LEC shall approve and concur in as a party. The terms of the contract shall be consistent with the conditions of the proposal. This contract shall be filed with the Commission by a petition pursuant to 83 Ill. Adm. Code 200 and shall take effect only upon Commission approval. The Commission shall approve the contract if it is consistent with the specifications of Section 13-703(b) of the Act, this Part, the RFP, and the selected proposal.

b) Upon Commission approval of the contract, the selected respondent shall be designated as the system provider.

c) In addition to the provisions of subsection (a) above, the following general conditions shall apply to the contract between ITAC and the system provider:

1) The system provider shall comply with the reporting requirements in Section 756.215.

2) The ITAC and the LEC's shall perform a yearly evaluation of the system provider's operations to determine compliance with the contract. The system provider shall be required to address any reported service deficiencies.

3) The contract shall state the terms under which it ~~ITAC or the system provider~~ may be unilaterally terminated by ITAC or the system provider the agreement only upon 18 months advance notice.

4) ~~The contract shall have a duration of eight years.~~

d) At least 14 months prior to the termination of an approved contract, ITAC shall file a new RFP with propose to the Commission, 20 months prior to the termination date of the contract period, a new RFP, pursuant to Section 756.115, for the provision of a relay system.

e) If the system provider is not an LEC, and the system provider has proposed a relay system which requires the system provider to employ tariffed LEC services or facilities, the system provider shall purchase those services or facilities at the appropriate tariffed rates. If the system provider employs LEC local access lines in any phase of completing relay-assisted calls, the LEC will bill the system provider for those access lines at the business service rate.

(Source: Amended at 17 Ill. Reg. 12294, effective July 15, 1993)

Section 756.125 Filing Requirements

In addition to the filing requirements prescribed in other Sections of this Part, the following filing requirements shall apply:

a) Each LEC shall file a tariff:

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- 1) Providing a description of the relay service functions mandated in Section 756.100; and
- 2) Setting forth the basis for rates which shall be charged for relay-assisted calls.

A) A relay-assisted call shall be billed according to the rate(s) which would otherwise have applied if the call had been dialed directly from the originating point to the terminating point on the day, time, and duration of the actual call.

B) If the relay-assisted call is to be processed other than on a direct dial basis, the appropriate operator handled surcharges shall apply, in addition to the customer direct dial charge as specified in the tariff.

C) Any discounts which would apply to a direct call between the originating and terminating points on the same day, time and duration of the relay-assisted call, shall be applied to the charges billed for the relay-assisted call.

~~D) For any call which originates and terminates in different exchanges, and which, if dialed directly without intervention by the relay service, would have been transmitted by an IXC, the call shall be charged according to the rate structure specified in the tariff filed by the LEC's.~~

b) Each IXC shall file a tariff setting forth the basis for rates which shall be charged for relay-assisted calls which originate and terminate in different exchanges and which if dialed directly without intervention by the relay service would have been transmitted by an IXC.

1) A relay-assisted call shall be billed according to the rate(s) which would otherwise have applied if the call had been dialed directly from the originating point to the terminating point on the day, time, and duration of the actual call.

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2) If the relay-assisted call is to be processed other than on a direct dial basis, the appropriate operator handled surcharges shall apply, in addition to the customer direct dial charge as specified in the tariff.

3) Any discounts which would apply to a direct call between the originating and terminating points on the same day, time and duration of the relay-assisted call, shall be applied to the charges billed for the relay-assisted call.

c) The ITAC shall file an annual report with the Commission (to be filed no later than April 30 of each year) which shall contain the following information:

- 1) Updates on administration procedures for the relay service;
- 2) A description of program activities of the past year;
- 3) A description and brief evaluation of program effectiveness; and
- 4) As an appendix, the annual report provided by the system provider to the ITAC per the requirement of Section 756.215.

(Source: Amended at 17 Ill. Reg. 12294, effective July 15, 1993)

SUBPART C: RELAY SERVICE PROGRAM STANDARDS AND SPECIFICATIONS

Section 756.200 Relay Service General Quality Standards

Service provided under this Part shall conform to 83 Ill. Adm. Code 730, unless specifically indicated otherwise in this Part. In addition, no rule in this Part is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications to persons with disabilities.

(Source: Amended at 17 Ill. Reg. 12294, effective July 15, 1993)

Section 756.205 Relay Service Operations and Specifications

- a) Relay service as described in Section 756.100 shall be provided via a relay system operating at all times (24

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hours a day, 7 days a week, 52 weeks a year) for all Illinois exchanges.

- b) Relay service shall have adequate redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use be provided through one relay center, located in the 312 Numbering Plan Area (NPA) of MSA-17, operated by the system provider.
- c) The relay system shall be initially designed to handle on a statewide basis 50,000 calls per month, with capabilities to expand the initially established facilities to handle 200,000 calls per month.
- d) The relay system shall be accessed by callers via a toll-free telephone number(s). Callers shall be required to dial (enter) no more than 11 digits in order to access the relay system.
- e) The relay system shall include adequate staffing to provide callers with efficient access under projected calling volumes, so that the probability of a busy response due to CA unavailability shall be functionally equivalent to what a voice caller would experience, as defined in 83 Ill. Adm. Code 730.520, in attempting to reach a party through the voice telephone network. Trunks coming into the relay center(s) shall be of sufficient capacity so that an average of not more than 1 in 100 calls receives a "busy signal."
- f) The relay system shall, except during network failure, answer 85% of all calls within 10 seconds and no more than 30 seconds shall elapse between receipt of dialing information and the dialing of the requested number. Within two years following the initiation of relay system operations, the Commission shall determine and fix through amendatory rulemaking of this Part an answering time objective (i.e. the percentage of calls answered within a specific time) for the relay system.
- g) The relay system shall receive and transmit ~~TT #99~~ signals in either Baudot or ASCII codes, according to the preference of the originator or recipient of a ~~TT #99~~ call. The relay center(s) equipment shall be designed with capabilities to automatically identify incoming ~~TT #99~~ signals as either Baudot or ASCII transmissions and

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to adjust transmissions from the relay center to the code employed by the incoming ~~TT #99~~ signal.

- h) The relay center(s) shall create for each relay-assisted call an Extended Message Record (EMR). The record shall contain, at a minimum, the following information:
 - 1) Telephone number or credit card number to be billed - NPA-Prefix-Line Number;
 - 2) Terminating Telephone Number - NPA-Prefix-Line Number;
 - 3) Originating Telephone Number - NPA-Prefix-Line Number;
 - 4) Date;
 - 5) Start time; and
 - 6) End time.
- i) The system provider shall forward the EMR for each call to the appropriate LEC ~~or file~~ within fourteen days of the date such service was supplied, and billing shall take place by the next appropriate billing period.
- j) There system provider shall be process all single or sequential calls and will not time limit ~~on~~ the duration of ~~calls connections~~ made through the relay system.
- k) The system provider shall provide as standard features both VCO and HCO technology.
- l) The system provider shall be permitted to decline to complete a call because credit authorization is denied.
- m) Adequate network facilities shall be used in conjunction with outgoing relay service calls so that under projected calling volume the probability of a busy response due to loop or trunk congestion shall be functionally equivalent to what a voice caller would experience, as defined in 83 Ill. Adm. Code 730.520, in attempting to reach a party through the voice telephone network.

(Source: Amended at 17 Ill. Reg. 12294 , effective July 15, 1993)

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Section 756.210 Communications Assistant Relay Service Operator Standards

- a) Before the relay system begins operation and subsequent to commencing operations, ~~each CA relay system operator shall be trained to be familiar with the special communications needs of persons with disabilities who employ the use of a TT are hearing-impaired.~~ The system provider shall request such training from organizations with prior experience in the provision of services to persons with disabilities ~~the hearing-impaired community.~~ In addition, each CA shall have competent skills in typing, grammar, spelling, interpretation of typewritten ASL, and familiarity with hearing and speech disability cultures, languages and etiquette.

- b) CA's Relay system operators shall keep all communicated information strictly confidential, except as otherwise required or permitted by law.

- 1) Except for purposes of billing calls and as otherwise required or permitted by law, CA's operators shall not reveal information about any call, including the fact that the call occurred.

- 2) When training new CA's operators by the method of sharing past experiences, the trainers shall not reveal any of the following information:

- A) Names, genders, or ages of the parties to the call;
- B) Originating or terminating points of call; and
- C) Specifics of the information conveyed in the call.

- c) CA's shall not intentionally alter a relayed conversation and must relay all conversations verbatim unless the user specifically requests summarization. Relay system operators shall convey the full content, context, and intent of the communications they translate, using language most readily understood by the person receiving the information.

- d) CA's Relay system operators shall not counsel, advise or interject personal opinions or additional information into any communication which they are translating.

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- e) ~~Relay system operators shall be available to accept calls in English and the written syntax of American Sign language.~~

- ef) If requested by the originating caller, CA's relay system operators shall attempt to complete calls 3 times, consecutively, without delay when receiving busy signals.

- fg) Any paper printouts made at a relay center of communications conducted over the relay service shall be destroyed at the completion of the call within 4 hours of the conclusion of the communications except as otherwise required or permitted by law.

- gh) No CA relay system operator shall disconnect a call against the wishes of the originating and terminating parties without first obtaining the permission of the CA's relay system operator's supervisor. In the instance that a call is terminated, the supervisor shall log the reason for the termination and sign the log. The supervisor shall authorize such disconnections only in instances in which the caller is abusive to or intentionally uncooperative with the CA relay system operator.

- hi) All CA relay service operator handled calls shall be carefully supervised. Disconnects shall be made promptly at the end of each call.

- ij) Upon receiving an emergency call from a TT user, a CA relay system operator shall attempt to complete the call to a Public Safety Answering Point number which the caller supplied and which can be directly accessed by the CA relay system operator.

(Source: Amended at 17 Ill. Reg. 12294, effective July 15, 1993)

Section 756.220 Relay Service Billing and Collection Procedures

- a) Upon receipt of an EMR from the system provider, each LEC and any IXC whose rates are incorporated into the LEC's tariff in accordance with Section 756.125(a)(2)(D) shall:

- 1) Calculate the charges for each call pursuant to the tariff specifications of Section 756.125(a);
- 2) Credit the amount of the charge for each call to an account for remittance to ITAC at the end of the period; and

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- 3) Post the amount of the charge for each call to the appropriate customer account for billing.
- b) For relay-assisted calls which originate and terminate in the same local calling area which receives LEC service on a "flat rate" basis or which receives LEC service on a "local measured service" basis where customers are allowed an amount of unbilled usage, each LEC shall:
 - 1) Determine on a monthly basis the actual number of these calls placed through the relay system by the LEC's customers;
 - 2) Perform a separate study to determine the amount of usage revenue associated with all local calls (i.e., revenue associated with calls in excess of a monthly call allowance) on a per call basis;
 - 3) Apply this revenue per call figure to the number of calls which originate and terminate in the same local calling area, and which are placed through the relay system by the LEC's customers; and
 - 4) Post the resultant revenue to an account for remittance to ITAC at the end of the period.
- c) Any disputes or customer refusals to pay charges assessed for relay-assisted calls shall be governed by Section 756.15.
- d) Uncollectible charges for relay-assisted calls shall be determined and treated the same as an LEC's or such IXC's other uncollectible charges.
- e) Nonpayment of charges for relay-assisted calls shall be treated the same as nonpayment of other monthly charges collected from customers by LEC's or such IXC's.
- f) Each LEC ~~and such IXC~~ shall record the costs incurred in the billing and collection of relay-assisted calls. Each LEC ~~and such IXC~~ shall report these costs to ITAC for direct reimbursement from the revenues generated pursuant to Section 13-703(c) of the Act.

(Source: Amended at 17 Ill. Reg. 12294 , effective July 15, 1993)

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Section 756.225 Relay Service Revenues

- a) The LEC's shall remit the revenues collected each month pursuant to Section 13-703(c) of the Act to ITAC.
- b) From those revenues the ITAC shall:
 - 1) Reimburse the LEC's ~~and IXC's~~ for costs incurred by the LEC's ~~and IXC's~~ in the billing and collection of charges for relay-assisted calls;
 - 2) Reimburse the LEC's for any other costs directly incurred by the LEC through the provision of relay service, including:
 - A) Relay service publicity;
 - B) Account and tax administration;
 - C) Auditing and reporting;
 - D) Taxes; and
 - E) LEC staff assignments; and
 - 3) Pay the system provider for any fees or charges due under the contract specified in Section 756.120.

(Source: Amended at 17 Ill. Reg. 12294 , effective July 15, 1993)

SUBPART D: OVERSIGHT AND REVIEW

Section 756.300 Staff Liaison

The Executive Director of the Illinois Commerce Commission shall appoint one Staff member to act as Staff Liaison to the programs required by Section 13-703 of the Act. The Staff Liaison shall serve as a contact person and advisor to the Advisory Council for the relay system program.

(Source: Amended at 17 Ill. Reg. 12294 , effective July 15, 1993)

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1) Heading of the Part: Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories

2) Code Citation: 35 Ill. Adm. Code 183

3) Section Numbers: Adopted Action:

183.105 Amend
 183.110 Amend
 183.115 Amend
 183.120 Amend
 183.125 Amend
 183.130 Amend
 183.131 New Section
 183.132 New Section
 183.133 New Section
 183.134 New Section
 183.135 Amend
 183.140 Amend
 183.145 Amend
 183.150 Amend
 183.160 Amend
 183.170 Repeal
 183.210 Amend
 183.215 Amend
 183.220 Amend
 183.225 Amend
 183.230 Amend
 183.231 Amend
 183.235 Amend
 183.240 Amend
 183.245 Amend
 183.250 Amend
 183.255 Amend
 183.310 Amend
 183.315 Amend
 183.320 Amend
 183.325 Amend
 183.330 Amend
 183.335 Amend
 183.340 Amend
 183.345 Amend
 183.350 Amend
 183.355 Amend
 183.360 Amend

183.365 Amend
 183.370 Amend
 183.406 New Section
 183.410 Amend
 183.415 Amend
 183.420 Amend
 183.420 Amend
 183.425 Amend
 183.430 Amend
 183.435 Amend
 183.440 Amend
 183.445 Amend
 183.450 Amend
 183.Appendix A Amend
 183.Appendix B New Section

4) Statutory Authority: Implementing and authorized by Section 1401(1)(d) of the Safe Drinking Water Act (42 U.S.C. 300(f)(1)(D)), Subpart C of the National Interim Primary Drinking Water Regulations (40 CFR 141.21 through 141.30 (1991)), Sections 4(o) and 4(p) of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 $\frac{1}{2}$, pars. 1004(o) and 1004(p)) [415 ILCS 5/4(o) and 5/4(p)] and Sections 55.10 through 55.12 and Section 71(D) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 55.10 through 55.12 and 63b17) [20 ILCS 2310/55.10 through 55.12 and 20 ILCS 2005/71(D)].

5) Effective Date of the Amendments: July 14, 1993

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this rulemaking contain incorporations by reference? Yes.

8) Date Filed in Agency's Principal Office: June 30, 1993

9) Notice of Proposal Published in the Illinois Register:

August 14, 1992 (16 Ill. Reg. 12659)

10) Has JCAR issued a State of Objection to this rule?
 No. On February 17, 1993, JCAR transmitted a Certification of No Objections to these amendments to the Illinois Environmental Protection Agency (IEPA) for all the agencies participating in this rulemaking.

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11) Differences between the proposal and adopted version.

The following changes have been made to the adopted version of these rules:

The "Authority" section in this Part has been amended and updated to reflect the changes in references to the federal and State statutes and regulations.

All statutory citations have been updated to the current year "1991" for the Illinois Revised Statutes citation and the Illinois Compiled Statutes citation has been included.

The following are changes made by the Illinois Environmental Protection Agency:

A. In Section 183.105:

1. The word "Illinois" has been inserted after the word "the" on line 9.

2. A parenthesis has been inserted after the letter "o" on line 10.

3. A parenthesis has been inserted after the letter "p" on line 11.

B. In Section 183.115:

1. All references to Subparts has been changed from "subpart" to "Subpart".

2. The statutory references were amended and updated to include the Illinois Compiled Statutes citations.

3. In the "Certification" definition, the word "which" was changed to "that".

C. In Subsection 183.125(e), the word "above" has been inserted after "subsection (c)".

D. In subsection 183.130(a), all references to Subparts has been changed from "subpart" to "Subpart".

E. In Section 183.132, on lines 3 and 4, the phrase "Section 183.125(c) (1-3)" has been changed to read "Section 183.125(c) (1) through (c) (3)".

F. In Section 183.133:

1. In Subsection 183.133(a), on line 2, the word "or" has been inserted before the word "analysts".

2. In Subsection 183.133(a), on line 6, the word "and" has been inserted before the word "analysts".

In subsection 183.133(b), on line 2, the word "above" has been inserted after "subsection (a)".

G. In Section 183.140, all references to Subparts have been changed from "subpart" to "Subpart".

H. In Section 183.140, on line 8, the word "of" has been changed to "after" immediately after the word "day".

I. In Subsection 183.150(a), line 4, the comma has been deleted between the "action" and "and". In Subsection 183.150(b) the word "above" has been inserted after "subsection (a)" and the third sentence has been set off as Subsection 183.150(b)(1) and the sentence following the definitions has been set off as Subsection 183.150(b)(2).

J. In Subsection 183.210(c)(2), the word "below" has been inserted after "subsection (e)". In subsection 183.210(f), on line 3, the phrase "subsections (a)-(e)" has been changed to read "subsections (a) through (e) above".

K. Regarding Section 183.220:

1. Subsection 183.220(l) has strikethrough marks through the paragraphs in the Illinois Register copy.

2. Subsections 183.220(f), (g), (h), and (j) has been replaced by (e), (f), (g), and (h), respectively.

L. Regarding Section 183.235, Subsection 183.235(a)(1) was amended to include reference to the sample collection text and in Subsection 183.235(b) table, "Iron" has been underlined since it is a new language.

M. In the Subsection 183.235 (b) table:

1. "Antimony-- Conc HNO₃ to pH less than 2--- P or G-- 6

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months" has been inserted after Alkalinity requirements and before "Arsenic" requirements.

2. "Beryllium-- Conc HNO₃ to pH less than 2-- P or G-- 6 months" has been inserted after "Barium" requirements and before "Cadmium" requirements.

3. For "Cyanide," the maximum holding time has been changed from "24 hours" to "14 days".

4. "Nickel--Conc HNO₃ to pH less than 2--P or G--6 months" has been inserted after Mercury requirements and before Nitrate requirements.

5. For the "Nitrate" Non-Chlorinated category, the superscript on "14 days" has been changed from "f" to "e," and the phrase "Conc H₂SO₄ to pH less than 2" has been changed to read "Conc H₂SO₄ to pH less than 2^g".

6. "Thallium-- Conc HNO₃ to pH less than 2-- P or G-- 6 months" has been inserted after "Sulfate" requirements and before "Total Dissolved filterable residue" requirements.

7. "Chlorinated Hydrocarbons, Pesticides/PCB's," and "Chlorophenoxys" has been changed to read "Synthetic Organic Chemicals" with the note "f" placed in the "Preservative," "Container," and "Maximum Holding Time" columns.

8. Under "Notes," letter "e" has been deleted.

9. Under "Notes," letter "f" should then be changed to "e" due to above noted change.

10. Under "Notes," new language for a letter "f" should read as follows: "Preservation, container, and maximum holding time are specified within the approved methods".

11. Under "Notes," new language for a letter "g" should read as follows: "No preservation is required if analysis is completed within 48 hours from the time of sample collection".

N. Regarding Section 183.240:

1. In subsection 183.240(f), on line 4, the sentence "This

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frequency shall not exceed one month" has been changed to: "This frequency shall not be less than once per month". **In addition, new language was added to the NIST reference, "exclusive of any subsequent amendments or additions".

2. In subsection 183.240(h), on line 5, the sentence "The frequency of these checks shall not exceed 6 months". has been changed to: "The frequency of these checks shall not be less than every 6 months".

3. In Subsection 183.240(j)(2), on lines 2 and 4, the word "above" has been inserted after "subsection (j)(1)". In subsection 183.240(j)(3), on line 1, the word "above" has been inserted after "subsection (j)(1)". In subsection 183.240(j)(4), on line 10, the word "below" has been inserted after "subsection (j)(5)". In subsection 183.240(j)(5), on line 15, the word "above" has been inserted after "subsection (j)(4)".

4. In subsection 183.240(j)(5), the following language has been inserted at the beginning of this paragraph:

Until sufficient data are available from the laboratory, usually a minimum of 15 to 25 test results on a specific analysis, the laboratory is to use the control limits, if available, developed from the mean (X) and standard deviation (S) relationships in Table IV-6 (See Chapter IV of the Manual for the Certification of Laboratories Analyzing Drinking Water, EPA-570/9-90/008, April 1990, exclusive of any subsequent amendments or editions). This Table was derived from USEPA's performance evaluation sample data. After inserting the analytical concentration (c), including the background concentration (B) wherever appropriate, into the proper pair of relationships, compute control limits for standards as $\bar{X} \pm 3(S)$ and for spike recoveries as $(X-B) \pm 3(S)$. As sufficient data becomes available, the laboratory shall develop...for each interval.

5. In Subsection 183.240(j)(5), on line 22, a new language has been inserted before "The laboratory must continue..." and should read as follows:

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If any of these control limits are tighter than the matching control limits in Table IV-6, the laboratory shall use the tighter criteria. Otherwise, control limits in Table IV-6 are required. If no control limit criteria has been specified, then the laboratory shall use the mean± two times the standard deviation obtained in the method detection limit determination required below.

- O. Regarding Subsections 183.250(a)(4) and 183.250(b)(4), the Standard Methods citation has been amended to include "Washington, D. C., 1985, exclusive of any subsequent amendments or additions.

- P. Regarding Section 183.Appendix A:

1. Methodology and Required Equipment for Inorganic Chemical Analyses of Public Water Supply Samples under the "NOTES" paragraph, the phrase "of this Part" has been inserted after "Appendix A".
2. Reference Notes 15, 16, 17, and 18 have been added to the text of Section 183. Appendix A.
3. In addition, reference notes in Section 183.Appendix A(2) and (18) to the USEPA methods have been amended to include the addresses for each text.
4. All methods have been updated due to a final rule promulgated under the Safe Drinking Water Act.

- Q. Regarding Section 183.Appendix B:

1. Methodology and Required Equipment for Organic Chemical Analyses of Public Water Supply Samples under "NOTES" paragraph, the phrase "of this Part" has been inserted after "Appendix B".
2. In addition, reference notes in Section 183.Appendix B (1), (5) through (8) and (10), and (13) to the USEPA methods have been amended to include the addresses for each text.
3. Reference Note 2 has been deleted and the other reference notes have been renumbered to reflect the

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deletion and Reference Notes (13) and (14) have been added to Appendix B.

4. All methods have been updated due to a final rule promulgated under the Safe Drinking Water Act.

The following are changes made by the Department of Public Health:

- A. In Section 183.335(a) the last entry in the table under the heading "Parameter" has been revised to read "Total fecal coliform and E. Coli".
- B. In the introductory paragraph of Section 183.340, "collecting" in the last sentence has been changed to "collection".
- C. Section 183.340(g) has been revised to read as follows:

When the sample is delivered to the laboratory:

- 1) the following information shall be added to the sample report form:

- A) Date and time of sample arrival; and
- B) Name or initials of the person receiving the sample for the laboratory; and
- 2) Each sample shall be assigned a laboratory number. In the event of a repeat or replacement sample, the number assigned to the original sample shall also be recorded.

- D. In Section 183.355(m) Ph levels were added to the table for the entries "M-Endo agar" and "M-Endo LES agar" and the Ph levels for the last five entries in the table were revised to include "plus or minus 0.2".

The following changes are changes made by Illinois Department of Nuclear Safety:

- A. In Section 183.410:

1. Subsection (b), on line 4, the word "measurement" has been deleted.
2. Subsection (c), on lines 5 and 6, the word

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"radioactivities" has been changed to the word "radioactivity"; and

3. Subsection (d), on line 2, the word "an" has been inserted before the word "analyst"; the word "trainees" has been changed to the word "trainee".

B. In Section 183.415:

1. Subsection 183.415(m), on lines 3 and 4, the phrase "60°F (16°C) and 80°F (27°C) and shall ... by more than 3°C" has been changed to "60°F (16°C) and 80°F (27°C) and shall ... by more than 3°C".

C. In Section 183.420:

1. Subsection 183.420(i), on lines 3 and 4, the figures "1100°C" and "1000°C" has been changed to "1100°C" and "1000°C".
2. Subsection 183.420(p), on line 4, "flasks" has been changed to "cells".
3. Subsection 183.420(q), on line 3, "pure" has been changed to "high purity".
4. Subsection 183.420(q)(1), on line 2, a comma has been inserted after the phrase "minimum".
5. In subsection 183.420(q)(2), on line 1, the phrase "pure" has been changed to "high purity".

D. In Section 183.425:

1. Subsection 183.425(b), on line 2, the phrase "25°C" has been changed to "25°C".

E. In Section 183.430:

1. Subsection (a)(2), on line 1, has been changed by inserting "226" after the word "Radium-";
2. Subsection (a)(6), on line 1, has been amended by changing "2459" to "3649", by inserting "-Ray" after the word "Gamma"; on line 2, by changing "in Water" to "High-Resolution", by changing "1983" to "1991"; on line 3, by changing "Part 31" to "Volume

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11.02"; on line 4, by changing "1983" to "1991";

3. Subsection (a)(7), on line 1, has been amended by changing "Micro-quantities of Uranium in Water by Fluorometry" to "Uranium by Direct Fluorometric and Extraction"; on line 2, by changing "1983" to "1991"; on line 3, by changing "Part 31" to "Volume 11.02"; on line 4, by changing "1983" to "1991";

4. Subsection (b), on line 2, has been changed by inserting "above" after the subsection label "(a)";

5. Subsection (b)(1), on line 3, has been changed by inserting ", exclusive of any subsequent amendments or editions" after "1973";

6. Subsection (b)(2), on line 3, has been changed by inserting ", exclusive of any subsequent amendments or editions" after "1990";

7. Subsection (c), on line 5, has been amended by changing "2 times the standard deviation of the net counting rate" to "the 95 percent confidence level (1.96 sigma (s) where sigma (s) is the standard deviation of the net counting rate of the sample)";

8. Subsection (c)(3) in the Agency Note, on line 4, has been amended by deleting "as amended" and inserting a comma.

F. In Section 183.440:

1. Subsection (c), on line 11, has been changed by inserting "after" immediately before the word "receipt";
2. Subsection (d), on line 1, has been changed by deleting the strikeout in the word "an"; on line 10, by inserting the word "after" immediately before and after the word "receipt";
3. Subsection (g)(2), on line 5, has been changed by inserting ", except for low level gamma counting" after the word "samples";
4. Subsection (h), on line 2, has been amended by

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changing the word "requirement's" to "requirements".

16) Information and questions regarding the adopted amendments should be directed to:

G. In Section 183.445:

Stephen C. Ewart

1. Subsection (b)(7), on line 1, has been amended by changing "Designation of the analytical" to "Analytical";

Deputy Counsel

2. Subsection (c), on line 1, has been changed by deleting the comma after the word "house";

Division of Legal Counsel

3. Subsection (d), on line 2, has been amended by changing "1981" to "1991" and inserting "[50 ILCS 205/1 et seq.]" after the statutory citation.

Illinois Environmental Protection Agency

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The full text of the adopted amendments begins on the next page:

12) Have all the changes agreed upon by the agencies and JCAR been made as indicated in the agreement letter issued by JCAR? Yes. The participating agencies have agreed to all the substantive modifications with JCAR. The IEPA, as lead agency, has received the agreement letter for this Part from JCAR.

13) Will these amendments replace an emergency amendments currently in effect? No.

14) Are there other proposed amendments pending on this Part? No.

15) Summary and purpose of rules: These amendments introduce laboratory certification and operation procedures for the Illinois Department of Nuclear Safety (IDNS) for radiological parameters, and amend and update the procedures for the IEPA for organic and inorganic parameters, and the Illinois Department of Public Health (IDPH) for microbiological parameters. These amendments have also changed the educational and professional experience requirements of laboratory professionals for these departments and agency. This authority has been delegated by the IEPA to IDNS and IDPH pursuant to Sections 4(o) and 4(p) of the Illinois Environmental Protection Act.

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE A: GENERAL PROVISIONS

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

SUBPART C: MICROBIOLOGICAL ANALYSES OF PUBLIC WATER SUPPLY SAMPLES

PART 183

JOINT RULES OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AND THE ILLINOIS DEPARTMENT OF NUCLEAR SAFETY: CERTIFICATION AND OPERATION OF ENVIRONMENTAL LABORATORIES

SUBPART A: GENERAL PROVISIONS

Section	Authority
183.105	Scope and Applicability
183.110	Definitions
183.115	Division of Authority
183.120	Certification Procedure
183.125	Conditions Governing the Use of Certificates
183.130	Preliminary Certification
183.131	Changes in Ownership or Operations
183.132	Revocation of Certification
183.133	Subcontracting by Certified Laboratories
183.134	Performance Evaluation Samples/Quality Assurance Samples
183.135	Authority of Certification Officers
183.140	Hearing, Decision and Appeal
183.145	Liability
183.150	Reciprocity Agreements
183.155	Reporting (Repealed)
183.160	Public Inspection of Records (Repealed)
183.165	
183.170	

SUBPART B: CHEMICAL ANALYSES OF PUBLIC WATER SUPPLY SAMPLES

Section	Scope and Applicability
183.205	Personnel Requirements
183.210	Physical Laboratory Facilities
183.215	Laboratory Equipment
183.220	General Laboratory Practices
183.225	Methodology and Required Equipment
183.230	Alternate Analytical Techniques
183.231	Sample Collecting Collection, Handling and Preservation
183.235	Quality Control
183.240	Record Maintenance
183.245	Free Chlorine Residual and Turbidity
183.250	Action Response to Laboratory Results
183.255	

AUTHORITY: Implementing Section 1401(1)(d) of the Safe Drinking Water Act (42 U.S.C. 300f (1)(D)), Subpart C of the National Primary Drinking Water Regulations (40 CFR 141.21 through 141.30 (1991)), the Illinois Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1001 et seq.) [415 ILCS 5/1 et seq.] and the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 1 et seq.) [20 ILCS 5/1 et seq.] and authorized by Sections 4(o) and (p) of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1004(o) and (p)) [415 ILCS 5/4(o) and (p)] and Sections 55.10 through 55.12 and Section 71 of the Civil Administrative Code of

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Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 55.10 through 55.12, and 63b17) [20 ILCS 2310/55.10 through 55.12, and 20 ILCS 2005/71(D)].

SOURCE: Adopted at 3 Ill. Reg. 34, p. 103, effective August 19, 1979; codified at 6 Ill. Reg. 14657; amended at 7 Ill. Reg. 13523, effective September 28, 1983; amended at 14 Ill. Reg. 8592, effective May 16, 1990; amended at 17 Ill. Reg. 12319, effective July 14, 1993.

SUBPART A: GENERAL PROVISIONS

Section 183.105 Authority

Pursuant to the authority contained in Ill. Rev. Stat. 1981, ch. 127, pars. 55.10 through 55.12, and 63b17 [20 ILCS 2310/55.10 through 55.12 and 20 ILCS 2005/71(D)] which authorizes the Illinois Department of Public Health to establish and enforce minimum standards, and establish certification procedures for laboratories making examinations in connection with the diagnosis of disease or tests for the evaluation of health hazards, and also to enter into contracts with other public agencies for the exchange of health services which may benefit the health of the people; and pursuant to the authority contained in Section 4 (a) and (p) of the Illinois Environmental Protection Act, adopted 1979, as amended (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1004 (a) and (p)) [415 ILCS 5/4(a) and (p)], which authorizes the Illinois Environmental Protection Agency to "establish and enforce minimum standards for the operation of laboratories relating to analyses and laboratory tests for air pollution, water pollution, noise emissions, contaminant discharges onto land and sanitary, chemical, and mineral quality of water distributed by a public water supply", and to "issue certificates of competency to persons and laboratories meeting the minimum standards established by the Agency...and to promulgate and enforce regulations relevant to the issuance and use of such certificates", and to "enter into formal working agreements with other departments or agencies of state government under which all or portions of this authority may be delegated to the cooperating department or agency", the Illinois Environmental Protection Agency, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety and the Illinois Environmental Protection Agency jointly adopt the following rules and regulations.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.110 Scope and Applicability

- This Subpart A establishes general provisions applicable to the certification program for environmental laboratories administered under this Part 183.
- Nothing in this Part 183 shall prevent uncertified laboratories from performing any quality control or other tests when the state has not required such tests to be performed by a certified laboratory.
- Unless the contrary is clearly indicated, all references to "Sections"

in this Part 183 are to Ill. Adm. Code, Title 35; Environmental Protection. For example, "Section 183.230" is 35 Ill. Adm. Code 183.230.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.115 Definitions

For purposes of this Part 183 unless otherwise specifically defined or the context clearly requires a different meaning:

"Act" means Section 4(a) and (p) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1004(a) and (p)) [415 ILCS 5/4(a) and (p)].

"Agency" means the Illinois Environmental Protection Agency, either the Illinois Department of Public Health, or the Illinois Department of Nuclear Safety the Illinois Environmental Protection Agency, whichever is applicable based on the division of authority specified in Section 183.120.

"Analyst" means any person who performs analyses for certain or all parameters on samples submitted to the environmental laboratory and who meets the qualifications set forth in the applicable subpart Subpart of this Part 183.

"Certification" means a status of approval granted to an environmental laboratory which that meets the criteria established by this Part 183 or in accordance with a reciprocity agreement entered into pursuant to Section 183.160. Certification is not a guarantee of the validity of the data generated.

"Certification Officer" means any person who is designated by the Agency to inspect and evaluate environmental laboratories for compliance in meeting the criteria set forth in this Part 183. Certification officers shall meet the educational and experience qualifications for laboratory directors as set forth in the applicable subpart of this Part 183 Subparts B and D or laboratory supervisors as set forth in Subpart C.

"Consultant" means a person who is retained by a written agreement to provide professional consultation services.

"Cross Check Sample" means an unknown sample distributed by the U.S. Environmental Protection Agency's Environmental Monitoring System Laboratory (Las Vegas) to determine the accuracy of the radiochemical analysis for which the laboratory is, or wants to be, certified.

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"Deficiency" means a failure of an environmental laboratory to meet any applicable requirement of this Part.

"Environmental Laboratory" means any facility which that performs analyses on environmental samples in order to determine the quality of food, milk, public water supplies, surface water, ground water, recreational waters, wastewater, air, or land.

"Laboratory Director" means the person who is responsible for the operation of an environmental laboratory and who meets the qualifications set forth in the applicable subpart of this Part 183.

"Laboratory Pure Water" means water meeting the standards set forth in Section 183.345.

"Laboratory Supervisor" means a person who supervises the performance of the analytical procedures within an environmental laboratory and who meets the qualifications set forth in the applicable subpart of this Part 183.

"Major remodeling" means any remodeling of the laboratory facility which requires the acquisition of a local building permit.

"Maximum Allowable Concentration" means a maximum permissible concentration of a contaminant in finished water as established by 35 Illinois Code 604.181-604.363 (prior to codification) or 304 of the Illinois Pollution Control Board Rules and Regulations Chapter 61-Public Water Supply.

"Parameter" means a chemical element, chemical compound, radioisotope or microbiological organism.

"Performance Evaluation Sample" (PES) means a sample used to determine accuracy, prepared either by the certifying agency or an authority recognized by the certifying agency, in which the true value and acceptance limits are unknown to the laboratory at the time of analysis.

"Provisional Certification" means a certification status granted to an environmental laboratory in order to allow time for the correction of deviations a deficiency. Failure to correct deviations a deficiency during the provisional certification period allows the Agency to revoke certification as specified in Section 183.134. While on provisional certification, an environmental laboratory remains approved for the analyses covered by its certification.

"Public Water Supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells

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and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year.

"Quality Assurance Sample" means either a performance evaluation sample, a cross check sample, or both as provided in the applicable Section of this Part.

"Senior Analyst" means a person who performs analyses on samples submitted to the environmental laboratory and who meets the qualifications set forth in the applicable Section of this Part.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.120 Division of Authority

- a) The Illinois Environmental Protection Agency shall administer these rules and regulations this Part with respect to the analysis of organic and inorganic chemical parameters.
- b) The Illinois Department of Public Health shall administer these rules and regulations this Part with respect to the analysis of microbiological and radiochemical parameters.
- c) The Illinois Department of Nuclear Safety shall administer this Part with respect to the analysis of radiological parameters.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.125 Certification Procedure

- a) An environmental laboratory which that meets or exceeds the minimum criteria for certification may receive certification from the Agency for any inorganic or organic, microbiological, or radiological and organic or inorganic chemical parameters parameter for which a methodology have methodology has been specified in this Part 183 or for which an alternative methodology has been approved in accordance with the provisions of this Part.
- b) The operational aspects of an environmental laboratory that will be evaluated in considering a request for certification are:
 - 1) physical laboratory facilities,
 - 2) personnel,
 - 3) methodology and instrumentation,
 - 4) data handling, and
 - 5) quality control assurance program.
- c) In seeking certification, the petitioning environmental laboratory

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most shall:

- 1) Submit a formal request for certification from to the Agency;
- 2) File with the Agency on the applicable administrative questionnaires furnished by the Agency, if available, or otherwise in a form approved by the Agency giving providing complete information on the five categories listed in Section 183-125(b) subsection (b) above;
- 3) Analyze all performance evaluation samples to be provided by the Agency and report the results of the analyses to the Agency;
- 4) Permit and cooperate in an on-site visit by Agency authorized certification officers. Certification officers shall provide the environmental laboratory with official identification and credentials. The initial visit will be arranged at the mutual convenience of both parties. The Agency reserves the right to make subsequent visits without prior notice during regular working hours.

4) Permit and cooperate in an on-site visit by Agency authorized certification officers. Certification officers shall provide the environmental laboratory with official identification and credentials. The initial visit will be arranged at the mutual convenience of both parties. The Agency reserves the right to make subsequent visits without prior notice during regular working hours.

- d) An environmental laboratory seeking certification from the Illinois Environmental Protection Agency and the Illinois Department of Public Health only needs to more than one Agency shall file a single request for certification and a single set of administrative questionnaires with either Agency each such Agency.
- e) Approval or denial of certification with may be made only after the procedure described in Section 183-125(c) subsection (c) above has been completed. Denial of certification shall be in the form of a narrative, giving complete information as to how deviations deficiencies may be corrected, along with a completed survey form on which all items in deviation deficiencies are clearly marked identified.

- f) Environmental laboratories in jurisdictions not having reciprocal agreements with an Agency under Section 183.160 may receive certification from the Agency under this Part and shall pay all of the expenses to be incurred by the Agency, including travel expenses, prior to evaluation.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.130 Conditions Governing the Use of Certificates

- a) Certification of environmental laboratories under Subpart C shall be effective for a two year period and certification of environmental laboratories under Subparts B and D shall be effective for a three-year period from the date of issue, unless modified or revoked by the Agency. Application for timely renewal of certification shall be made to the Agency no later than 90 days prior to the applicable expiration date. Approval of a renewal application shall be

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contingent upon the environmental laboratory meeting all of the factors considered in granting the original approval certification, including acceptable results on performance evaluation samples/quality assurance samples required under this Part. When an a certified environmental laboratory has made timely and sufficient application for renewal of certification or certification for additional parameters, the existing certification shall, unless otherwise modified or revoked in accordance with this Part, continue in full force and effect until the final decision of the Agency on the application has been made, unless a later date is fixed by order of a reviewing court.

- b) Whenever deviations from the applicable requirements are found, a certified environmental laboratory may be placed on provisional certification. Provisional certification may be granted for the following periods:
 - 1) From seven to 30 days if the deviation could compromise the quality of analytical data generated by the environmental laboratory; or
 - 2) From 90 days to one year in the case of any other type of deviation. Certification shall be limited to those parameters for which an environmental laboratory has been approved and which are listed on the certificate of approval.

- c) The Illinois Environmental Protection Agency may grant written preliminary certification to an environmental laboratory which has demonstrated satisfactory capability after completion of the procedures specified in Section 183-125(c)(3). Preliminary certification would be available in instances where it would be impractical for the Illinois Environmental Protection Agency to schedule an on-site visit within six months from the date of a laboratory's submission of satisfactory analysis results for performance evaluation samples. Preliminary certification shall remain in effect until certification has been approved or denied in accordance with Section 183-125. The certificate of approval shall be posted or displayed in a prominent place in the laboratory facility.

- d) Certification shall not be transferable in the event of change of ownership, director, supervisor, analysts, or relocation or major remodeling of the physical plant of an environmental laboratory. The Agency shall be notified in writing within 15 days. Information related to the certification of an environmental laboratory shall be accurately represented if used in any advertising and shall prominently include the statement that "Certification by the State of Illinois is not an endorsement or a guarantee of the validity of the data generated." Such information shall also specify the parameters for which the environmental laboratory has been certified. The advertising shall not include any representation that the environmental laboratory is certified to perform a type of analysis for which it lacks proper certification.

- e) After receiving notification of any of the changes listed in Section 183-130(d), unless otherwise stated for a specific parameter, the

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Agency will request a resume--(as--to--any--new--owners--directors, supervisors--or--analysts)--send--a--quality--control--sample--for--analysis by--any--new--analyst--and--make--an--on--site--visit--However--the--Agency may--waive--any--of--these--actions--if--it--appears--unwarranted--in--a--specific case--Examples--of--when--such--waivers--would--be--appropriate--include--the following--circumstances:

j) Waiver--of--submission--of--a--summary--of--education--and--experience--when personnel--transferring--from--one--certified--laboratory--to--another are--responsible--for--dealing--with--the--same--analytical--methods--and equivalent--equipment--and

2) Waiver--of--an--on--site--visit--if--the--pertinent--test--procedures involve--simple--techniques--and--equipment--An environmental laboratory may surrender its certification voluntarily by notifying the Agency in writing and returning the certificate.

f) An--environmental--laboratory--may--cancel--its--certification--voluntarily by--notifying--the--Agency--and--returning--the--certificate.

g) The--Agency--may--revoke--certification--of--cause--as--to--all--or--any--part--of an--environmental--laboratory's--certification--Any--of--the--following shall--be--cause--for--partial--or--total--revocation--of--certification:

i) Failure--to--pass--any--inspection--provided--the--laboratory--has--not corrected--the--deviations--after--being--placed--on--provisional certification--in--accordance--with--the--provisions--of--Section 183.130(f);

2) Unsatisfactory--analyses--of--performance--evaluation--samples--as specified--in--Section--183.140;

3) Failure--to--notify--the--Agency--within--15--days--after--any--of--the changes--listed--in--Section--183.130(d)--have--occurred--or

4) Violation--of--the--requirements--regarding--advertising--as--specified in--Section--183.130(k);

h) Certification--shall--be--limited--to--those--analytical--procedures--for which--an--environmental--laboratory--has--been--approved--and--which--are listed--on--the--certificate--of--approval;

i) The--certificate--of--approval--shall--be--posted--or--displayed--in--a prominent--place--in--the--laboratory--facility;

j) Information--related--to--the--certification--of--an--environmental laboratory--shall--be--clearly--defined--in--any--advertising--and--shall prominently--include--the--statement--that--"Certification--is--not--a guarantee--of--the--validity--of--the--data--generated."--Such--information shall--also--include--the--analyses--for--which--the--environmental--laboratory has--been--certified--the--advertising--shall--not--include--any representation--that--the--environmental--laboratory--is--certified--to perform--a--type--of--analysis--for--which--it--lacks--proper--certification;

k) The--following--factors--shall--be--taken--into--account--by--the--Agency--in determining--what--action--should--be--taken--against--a--certified environmental--laboratory--when--deviations--from--these--rules--and regulations--are--found:

i) the--length--of--time--during--which--the--deviation--has--existed;

2) the--laboratory's--prior--record--of--deviations--and--response--in correcting--deviations--noted--by--the--Agency;

3) the--laboratory's--response--to--the--deviations--noted--by--the--Agency;

4) the--laboratory's--response--to--the--deviations--noted--by--the--Agency;

5) the--laboratory's--response--to--the--deviations--noted--by--the--Agency;

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3) Whether--the--laboratory--knowingly--caused--or--allowed--the deviations--and

4) the--potential--effect--of--the--deviation--on--the--quality--of analytical--data--generated--by--the--laboratory.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.131 Provisional Certification

a) Whenever a deficiency is found, a certified environmental laboratory may be placed on provisional certification. Provisional certification may be imposed for the following periods:

1) From seven to 30 days if the deficiency could compromise the quality of analytical data generated by the environmental laboratory; or

2) From 31 days to one year in the case of any other type of deficiency;

b) A provisionally certified laboratory may continue to analyze samples for compliance purposes, but shall notify its clients of its provisionally certified status by providing that information in writing, as soon as practicable, but in no event later than 3 working days after the imposition of provisionally certified status and shall also include such information on any report of any analysis performed during the period of provisional certification.

(Source: Added at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.132 Preliminary Certification

The Agency may grant written preliminary certification to an environmental laboratory that has demonstrated compliance with the applicable provisions of this Part after completion of the procedures specified in Section 183.125(c)(1) through (c)(3). Preliminary certification would be available in instances where it would be impractical for the Agency to schedule an on-site visit within six months from the date of a laboratory's submission of satisfactory analysis results for performance evaluation samples/quality assurance samples. Unless modified or revoked in accordance with this part, preliminary certification shall remain in effect until certification has been approved or denied in accordance with Section 183.134.

(Source: Added at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.133 Changes in Ownership or Operations

a) Certification shall not be transferable. In the event of a change of ownership, director, supervisor, or analysts, or relocation or major

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remodeling of the physical plant of an environmental laboratory, the Agency shall be notified in writing within 15 days and shall be provided with the resume of any new owners, directors, supervisors, and analysts and a description of any relocation or remodeling of the physical plant.

- b) After receiving notification of any of the changes listed in subsection (a) above, unless otherwise specified in this Part for a specific parameter, the Agency may, as applicable, review the resume of any new owner, director, supervisor, or analyst, require the analysis of performance evaluation samples/quality assurance samples by any new analyst, or make an on-site visit. However, the Agency may waive any of these actions if it finds such actions to be unwarranted in a specific case. Examples of when such waivers would be appropriate include the following circumstances:

- 1) Waiver of submittal of a summary of education and experience when personnel transferring from one certified laboratory to another are responsible for dealing with the same analytical methods and equivalent equipment; and
- 2) Waiver of an on-site visit if the pertinent test procedures involve simple techniques and equipment.

(Source: Added at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.134 Revocation of Certification

- a) The Agency may revoke all or any part of an environmental laboratory's certification. Any of the following shall be cause for partial or total revocation of certification:

- 1) Expiration of a period of provisional certification, provided the laboratory has not corrected the deficiencies after being placed on provisional certification in accordance with the provisions of Section 183.131;
 - 2) Unsatisfactory analyses of performance evaluation samples/quality assurance samples as specified in Section 183.140;
 - 3) Failure to notify the Agency within 15 days after any of the changes listed in Section 183.133 have occurred;
 - 4) Failure to comply with the requirements regarding advertising as specified in Section 183.130(d);
 - 5) Failure to use the analytical methodology specified in this Part or approved in accordance with this Part;
 - 6) Failure to provide notice in accordance with Section 183.131(b) of its status as a provisionally certified environmental laboratory; or
 - 7) falsification of results of testing of performance evaluation samples/quality assurance samples or any other information material to the certification.
- b) The following factors shall be taken into account by the Agency in determining what action should be taken against a certified

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environmental laboratory for failing to comply with the requirements of this Section:

- 1) The length of time during which the failure has existed;
- 2) The laboratory's prior record of failures and response in correcting failures noted by the Agency;
- 3) Whether the laboratory knowingly caused or allowed the failure; and
- 4) The potential effect of the failure on the quality of analytical data generated by the laboratory.

(Source: Added at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.135 Subcontracting by Certified Laboratories

- a) The name of the laboratory actually performing the analyses analysis shall be specified on all reports of analytical results.
- b) For those tests that are required to be performed under certification, any laboratory with which a certified environmental laboratory subcontracts shall also be a certified environmental laboratory.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.140 Performance Evaluation Samples/Quality Assurance Samples

An environmental laboratory is required to participate in performance evaluation samples/analyses relevant to the analytical parameters for which it seeks or wishes to maintain certification in accordance with the certification procedures of Section 183.125(c). The certification renewal procedures of Section 183.130(a) and the quality assurance requirements contained in the applicable Subpart of this Part. Unless otherwise specified in the applicable Subpart of this Part, within 60 days after receipt of a performance evaluation sample/quality assurance sample, the environmental laboratory shall analyze such sample and report the test results to the Agency. There shall be no fee

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charged to the Agency for such analyses. Failure to provide results proving satisfactory precision and accuracy in two successive samples shall be cause for revocation of certification for the parameter or method not within satisfactory limits.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.145 Authority of Certification Officers

Certification officers shall have all of the following authority with regard to environmental laboratories:

- a) To inspect such laboratories in on-site visits;
- b) To require the laboratory to provide information relevant to regarding the technical operation of such laboratories laboratory relevant to certification;
- c) To inspect quality assurance records and any other pertinent records;
- d) To be permitted to observe and question analysts at work on parameters or methods for which certification is sought; and
- e) To submit oral and written reports for granting or denying grant or deny certification based upon the completion of the evaluation process.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.150 Hearing, Decision and Appeal

The following procedures are established for Agency certification actions which are required by law to be preceded by notice and opportunity for hearing:

- a) Prior to revocation or partial revocation, the Agency shall give written notice to the laboratory director or owner. This notice shall include a description of the proposed action, the facts or conduct upon which the Agency will rely to support its proposed action and the procedures for requesting a hearing.

- b) Notice given under Section 183.150(a) subsection (a) above and any hearing requested following issuance of such notice shall be in accordance with the "Rules of Practice and Procedure in Administrative Hearings" as adopted by the Illinois Department of Public Health. A single joint hearing may be conducted when a hearing is requested concerning actions of both the Illinois Department of Public Health and the Illinois Environmental Protection more than one Agency.

- 1) With respect to the Illinois Environmental Protection Agency, the "Rules of Practice and Procedure in Administrative Hearings" (77 Ill. Adm. Code 100) are applicable only to hearings under this Section 183.150 and the included definitions of "Department" and "Director" are modified as follows:

- 1) "Department" shall mean the Illinois Environmental Protection Agency.

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- 2) "Director" shall mean the Director of the Illinois Environmental Protection Agency.

- 2) With respect to the Illinois Department of Nuclear Safety, the "Rules of Practice and Procedure in Administrative Hearings" (77 Ill. Adm. Code 100) are applicable only to hearings under this Section and the included definitions of "Department" and "Director" are modified as follows:

"Department" shall mean the Department of Nuclear Safety.
"Director" shall mean the Director of the Department of Nuclear Safety.

- c) If, however, the Agency finds that an emergency situation warrants immediate action, summary suspension as provided for by Section 16(c)(10-65(d) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, par. 16(c)(10-65(d)) [5 ILCS 100/10-65(d)] may be ordered pending revocation proceedings. An emergency situation warrants immediate action if there is substantial risk to public health, safety, or welfare resulting from laboratory deficiencies that are compromising or are likely to compromise the analytical results obtained.

- d) A final decision final decisions adopted by of the Director of the Illinois Department of Public Health or the Director of the Illinois Department of Nuclear Safety are is appealable to the Circuit Courts under the Illinois Administrative Review Act (Ill. Rev. Stat. 1981, ch. 110, pars. 264 3-101 et seq.) [735 ILCS 5/3-101 et seq.]. A final decision final decisions adopted by of the Director of the Illinois Environmental Protection Agency may be contested before the Pollution Control Board under the Illinois Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1001 et seq.) [415 ILCS 5/1 et seq.] with subsequent appeal to the Appellate Courts available.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.160 Reciprocity Agreements

Notwithstanding any other provision of this Part, the Director of the Agency may elect to enter into agreements with the governments of other states or with federal governmental units for recognition of their environmental laboratory inspections and certifications if such certification program uses equivalent controls over sample collection, data handling, quality control, analytical methods, and personnel as required of environmental laboratories within Illinois. Environmental laboratories in jurisdictions not having reciprocity agreements with Illinois which ask that their results be accepted by Illinois shall request certification from the Agency and agree to pay all of the expenses incurred by the Agency, including travel expenses, in evaluating the laboratory.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

required for a major in chemistry.

2) Have a minimum of six months experience on the instrument being operated, except for a GC/MS where a minimum of 12 months experience is required. (See subsection (e) below).

3) Operators of either a GC/MS or ICP also shall have satisfactorily completed a short course in GC/MS or ICP offered by the equipment manufacturer, professional organization, university, or other qualified training facility.

4) After appropriate training, the operator must demonstrate acceptable results in the analysis of an applicable quality control or performance evaluation sample.

d) An analyst is a person who holds a high school diploma or its equivalent and has demonstrated the ability to properly obtain acceptable results in the analysis of an applicable quality control or performance evaluation sample.

e) Data produced by analysts and instrument operators while in the process of obtaining the required training or experience are acceptable when reviewed and validated by a fully qualified analyst or the laboratory supervisor.

f) A person who, as of July 17, 1999 the effective date of these amendments, is serving in an environmental laboratory in any capacity as defined in Section 183.210(e) subsections (a) through (e) above and does not meet the educational requirements or experience requirements or both for said position may be recommended to continue to serve in said position by the certification officer. In recommending that an existing laboratory director, laboratory supervisor, or analyst continue to serve in that position, the certification officer shall take into account the following factors:

1) Length of experience as an offset for not meeting educational requirements;

2) Extent of education as an offset for not meeting experience requirements; and

3) For analysts, demonstration of ability to properly perform representative test procedures with which he or she is involved while under observation by the certification officer.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.215 Physical Laboratory Facilities

The laboratory's physical facilities shall meet the following specifications:

a) A minimum of 150-200 square feet of floor space shall be provided for each analyst.

b) A minimum of 15 linear feet of useable bench space shall be provided for each analyst.

c) The laboratory shall include a sink with hot and cold running water. All water supply outlets shall be protected by approved vacuum breakers.

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Section 183.170 Public Inspection of Records (Repealed)
All files, records, and data of the Illinois Department of Public Health and the Illinois Environmental Protection Agency in relation to the administration of these rules and regulations shall be open to public inspection and may be copied upon payment of the actual cost of reproducing the original except for:
a) information which constitutes a trade secret;
b) information privileged against introduction in judicial proceedings;
c) internal communications of the Agency;
d) information concerning secret manufacturing processes or confidential data submitted by any person under these rules and regulations.
(Source: Repealed at 17 Ill. Reg. 12319, effective July 14, 1993.)
SUBPART B: CHEMICAL ANALYSES OF PUBLIC WATER SUPPLY SAMPLES
Section 183.210 Personnel Requirements
a) The laboratory director shall be a person holding a minimum of a bachelor's degree in natural or physical sciences with at least 24 semester hours in chemistry or microbiology or both, and shall have had a minimum of three years experience in an environmental laboratory. The laboratory director shall be either a full-time employee or a consultant.
b) A laboratory supervisor shall be a person holding a minimum of a bachelor's degree in natural or physical sciences with at least 16 semester hours of course work in the analytical area of responsibility that includes the number of credit hours in chemistry courses required for a major in chemistry and shall have had a minimum of two years experience in the area of analytical responsibility. A laboratory supervisor shall be a full-time employee.
c) An analyst is a person who holds a high school diploma or its equivalent and has completed a basic chemistry course in addition to an analyst shall have had at least one year of experience in an analytical laboratory and shall demonstrate ability to properly perform representative test procedures with which he or she is involved while under observation by the certification officer. Instrument operators who operate Atomic Absorption (AA), Ion Chromatograph (IC), Gas Chromatograph (GC), Gas Chromatograph/Mass Spectrometer (GC/MS), and/or Inductively Coupled Plasma (ICP) shall meet the following required minimum standards:
1) Hold a bachelor's degree in chemistry or related field. This degree requirement may be waived if the immediate supervisor has a bachelor's degree in chemistry or related field or if the analyst has the number of credit hours in chemistry courses

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- d) An adequate electrical supply for operation of instruments and mechanical needs shall be provided. The certification officer may require verification from an official inspector or other qualified person that the laboratory meets local and national electrical codes.
- e) All electrical outlets shall be properly grounded.
- f) Instruments shall be properly grounded with an internal or external regulated power supply available to each instrument.
- g) All plumbing shall meet local and state plumbing codes. The certification officer may require verification from an official inspector or other qualified person that the laboratory meets such codes.
- h) The laboratory shall include a vacuum source if the analyses performed so require.
- i) The laboratory shall have a readily available source of distilled water or deionized water or both.
- j) The laboratory shall include at least one fume hood for analyses of organic chemicals and trace metals.
- g) The laboratory shall maintain the inorganic and organic facilities in separate rooms.
- h) The analytical and sample storage area shall be isolated from all potential sources of contamination.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.220 Laboratory Equipment

- Only those instruments that are needed to analyze for the parameters for which the laboratory is being certified are required, but those instruments shall meet the following minimum specifications: A laboratory doing all the analyses described in Section 183.220 shall have, or have access to, all of the equipment listed in this Section with the minimum specifications cited; requirements of the applicable methods. Minimal equipment requirements are:
- An analytical balance shall provide a sensitivity of at least 0.1 mg. and shall be placed on a stable base.
 - A spectrophotometer shall have a useable wavelength range of 400 to 700 nm, a maximum spectral band width of no more than 20 nm, and a wavelength accuracy of 0 plus or minus 2.5 nm. The photometer shall be capable of using several sizes and shapes of absorption cells providing a sample path length varying from approximately 1 to 5 cm.
 - A filter photometer (a bridged spectrophotometer) shall be capable of measuring radiant energy in range of 400 to 700 nm. Relatively broad bands (10 to 75 nm) of this radiant energy are isolated by use of filters at or near the maximum absorption of the colorimetric methods. The photometer shall be capable of using several sizes and shapes of absorption cells.
 - A magnetic stirrer shall be of variable speed and use a Teflon-coated stirring bar.
 - A pH meter shall have an accuracy of at least plus or minus 0.1

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- units and a scale readability of at least plus or minus 0.1 units. The pH meter may be either line/bench or battery/portable operated and also should be capable of functioning with specific ion electrodes.
- f) A specific ion meter shall have an accuracy and scale readability of at least plus or minus 1 mV, and shall have expanded scale millivolt capability. The specific ion meter may be either line/bench or battery/portable operated.
- g) An atomic absorption spectrophotometer shall be a single or multi-channel, single or double beam instrument having a grating monochromator, photomultiplier detector, adjustable slits, a wavelength range of 190 to 800 nm, provisions for interfacing with a strip chart recorder or other device for generating a permanent record shall be provided.
- h) A readout system for atomic absorption shall have a response time capable of measuring the atomic absorption signal generated and shall include the capability to detect positive interference on the signal from intense non-specific absorption in furnace analysis; a strip chart recorder shall be used for verification of adequate background correction if a CPG video readout or hard copy plotter is not available. The strip chart recorder shall have a recorder width of at least 25 cm, a full scale response time of 0.5 seconds or less, a 10 or 100 mV input to match the instrument, and variable chart speeds of at least 1.5 to 5 cm/min or equivalent.
- i) A gas chromatograph shall be a commercial or custom designed gas chromatograph with a column oven capable of isothermal temperature control to at least 210 plus or minus 0.2 C. Additional accessories and specifications are listed below by methodology:
- For chlorinated hydrocarbons, the gas chromatograph shall be equipped with a glass lined injection port suitable for chlorinated hydrocarbon pesticides with a minimum of decomposition and equipped with either an electron capture microcoulometric titration, or electrolytic conductivity detector.
 - For chlorophenoxys, the gas chromatograph shall be equipped with a glass lined injection port and either an electron capture microcoulometric titration, or electrolytic conductivity detector.
 - For trihalomethanes by purge and trap, the gas chromatograph shall be temperature programmable from 40 to 250 C, at rates specified in the methodology, and equipped with either microcoulometric titration or electrolytic conductivity detector.
 - For trihalomethanes by liquid/liquid extraction, the gas chromatograph shall be equipped with a linearized frequency modulated electron capture detector.
 - For trihalomethanes by gas chromatography/mass spectrometry, the gas chromatograph shall be temperature programmable from 40 to 250 C, at rates specified in the methodology and interfaced to the mass spectrometer with an all-glass enrichment device and an all-glass transfer line.

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- j) A recorder-for-gas-chromatography shall be a strip-chart recorder with a recorder width of at least 25 cm; a full-scale response time of 1 second or less; a 1 mV (10-5 to 10-6) signal-to-match-the-instrument; and variable chart speeds with a range of at least 5 to 50 cm/min or equivalent; computer-generated chromatograms are acceptable where a record of the data is required;
- k) A mass spectrometer for trihalomethanes by gas chromatography/mass spectrometry shall include an interface data system to acquire, store, reduce and output mass spectral data; the data system shall be equipped with software to acquire and manipulate data for only a few ions that were selected as characteristic of trihalomethanes and the internal standard (or surrogate compound); mass spectral data shall be obtained with electron impact ionization at a nominal electron energy of 70 eV; the mass spectrometer shall meet all of the following criteria when 50 ng or less of p,p'-dichlorobenzene is introduced into the gas chromatograph:

p,p'-DICHLOROBENZENE KEY IONS AND ION ABUNDANCE CRITERIA

- | MASS | ION ABUNDANCE CRITERIA |
|------|------------------------------------|
| 50 | 15 to 40% of mass-95 |
| 75 | 30 to 60% of mass-95 |
| 95 | base peak; 100% relative abundance |
| 96 | 5 to 9% of mass-95 |
| 173 | less than 2% of mass-174 |
| 174 | greater than 50% of mass-95 |
| 175 | 5 to 9% of mass-174 |
| 176 | 96 to 100% of mass-174 |
| 177 | 5 to 9% of mass-176 |
- l) A conductivity meter and cell combination, suitable for checking distilled water quality, shall be readable in ohms or mhos, and have a range of up to 2.5 megohm cm resistivity (conductivity down to 0.4 micromhos/cm) plus or minus 1 percent. The conductivity meter may be either line/bench or battery/portable operated.
- m) A drying oven shall be a gravity or mechanical convection unit with a selectable temperature control from room temperature to 100°C or higher.
- n) A desiccator shall be a glass or plastic model depending upon the particular application.
- o) A hot plate may be a large or small unit and shall have a selectable

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temperature control for safe heating of laboratory reagents.

p) A refrigerator used for storage of organics and flammable materials shall be an "explosion proof" type. For storage of organics and flammable materials when refrigeration is not required, an explosion proof cabinet shall be provided. A refrigerator for the general storage of aqueous reagents and samples may be a standard kitchen type domestic refrigerator.

q) Glassware which is used for purposes that may subject it to damage from heat or chemicals shall be of borosilicate glass. All volumetric glassware shall be Class A, denoting that it meets Federal Specifications and need not be calibrated before use. Federal Specifications and is certified by the manufacturer as meeting the standards established by the American Society for Testing and Materials (ASTM).

r) A stirred-water bath shall provide from ambient temperature up to 100°C (with gable lid).

h) A thermometer shall have 1°C or finer subdivision to 180°C and be certified by or traceable to the National Institute of Standards and Technology.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.225 General Laboratory Practices

- a) All prepackaged kit methods, other than the DPD and the (FACTS) Colorimetric Test Kit, are considered alternative analytical techniques and may be substituted only if approved in accordance with 40 CFR 141.27 (1982), revised as of July 1, 1990, exclusive of any subsequent amendments or editions. A copy of 40 CFR is available for public inspection at the Illinois Environmental Protection Agency.
- b) A laboratory utilizing visual comparison devices shall calibrate the standards incorporated into such devices at least every six months. These calibrations shall be documented. Preparation of temporary and permanent type visual standards shall be in accordance with the Color-Visual Comparison Method, "Standard Methods for the Examination of Water and Wastewater," 14th Edition, American Public Health Association (Washington, D.C., 1976), pp. 64-66 and the Turbidity-Visual Methods 408E, "Standard Methods for the Examination of Water and Wastewater," 14th Edition, American Public Health Association (Washington, D.C., 1976), pp. 196-198, exclusive of any subsequent amendments or editions. A copy of this publication is available for public inspection at the Illinois Environmental Protection Agency.
- c) By comparing standards and plotting such a comparison on graph paper, a correction factor shall be derived and applied to all future results obtained on the now calibrated apparatus until it is recalibrated.
- d) Prior to use, all glassware shall be washed in a warm detergent solution and thoroughly rinsed, first in tap water and then in

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N.S. Ulmer, Environmental Monitoring Systems Laboratory, Cincinnati, Ohio 45268, 1988, exclusive of any subsequent amendments or editions. A copy of this publication is available for public inspection at the Illinois Environmental Protection Agency. To obtain more specific information, contact EMSL at (513) 569-7453.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.235 Sample Collecting Collection, Handling and Preservation

a) The manner in which samples are collected and handled is critical for obtaining valid data. A written sampling protocol with specific sampling instructions should be available to sample collectors and for inspection by the certification officer. When the laboratory has responsibility for sample collection, handling, and preservation, there must be strict adherence to correct sampling procedures, complete identification of the sample, and prompt transfer of the sample to the laboratory. Any sample not meeting the following criteria must not be analyzed.

1) Samples must be collected in accordance with the approved methodology and the guidance requirements in the IEPA Bureau of Water, Division of Public Water Supplies Handbook, 4/89, exclusive of any subsequent amendments or editions.

2) Analytical report forms must contain the location, date and time of collection, collector's name, and any special remarks concerning the sample.

b) The following standards for container types, preservatives, and holding time shall be met for each individual parameter(a):

Parameter(a)	Preservative(b)	Container(c)	Maximum Holding Time(d)
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Alkalinity	Refrigerate at 4° C as soon as possible after collection	P or G	14 days
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Antimony	Conc HNO(3) to pH less than 2	P or G	6 months
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Arsenic	Conc HNO(3) to pH less than 2 [f]	P or G	6 months
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Asbestos	Cool 4° C	P or G	
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Barium	Conc HNO(3) to pH less than 2	P or G	6 months
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distilled or deionized water. This cleaning procedure is sufficient for most analytical needs, but the procedures specified for individual parameters shall be referred to for more elaborate precautions to be taken against contamination of glassware. A separate set of glassware shall be maintained for the nitrate, mercury, and lead procedures due to the potentiality potential for contamination from the laboratory environment. All glassware used in organic chemical analyses shall have a final organic solvent rinse with ~~nanograde--acetone--or--its equivalent~~ or must be baked at 400° C for 30 minutes and shall be air dried in an area free of organic contamination. Glassware must be covered with organic-free aluminum foil during storage.

d) Distilled or deionized water shall have resistivity values of at least 0.5 megohm cm (conductivity less than 2.0 micromhos/cm) at 25° C. Laboratories are advised to request a list of quality specifications for any water purchased. The quality of the distilled or deionized water shall be maintained by protecting it from the atmosphere. Quality checks of the distilled or deionized water shall be made at least once each shift and documented. Reagent water for organic analysis must be free of interferences for the analytes being measured. It may be necessary to treat water with activated carbon to eliminate all interferences.

e) Reagents used for chemical analyses shall be of a quality at least equal to the grade recommended in the applicable analytical procedure reference.

f) ~~Other--than--the--specific--requirements--set forth in these rules and regulations--laboratory safety practices are not considered an aspect of laboratory certification. However, certification officers may point out, on an informal basis, potential safety problems observed during on-site visits.~~

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.230 Methodology and Required Equipment

Minimum equipment requirements, methodology, and references for individual parameters shall be as provided in Appendix Appendices A and B of this part Part 183.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.231 Alternate Analytical Techniques

The drinking water regulations permit approval of alternate analytical techniques, if these techniques are demonstrated to produce results within the acceptance range of the approved methods. The process and requirements for obtaining approval is described in the document "Requirements for Nationwide Approval of New and Optionally Revised Methods for Drinking Water Monitoring."

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Parameter(a)	Preservative(b)	Container(c)	Maximum Holding Time(d)
Beryllium	Conc HNO(3) to pH less than 2	P or G	6 months
Cadmium	Conc HNO(3) to pH less than 2	P or G	6 months
Calcium	Conc HNO(3) to pH less than 2	P or G	6 months
Chloride	None	P or G	28 days
Chromium	Conc HNO(3) to pH less than 2	P or G	6 months
Copper	Conc HNO(3) to pH less than 2	P or G	6 months
Cyanide	Add NaOH to pH greater than 12;refrigerate and keep in dark	P or G	14 days
Fluoride	None	P	28 days
Hydrogen ion (pH)	None	P or G	2 hours
Iron	Conc HNO(3) to pH less than 2	P or G	6 months
Lead	Conc HNO(3) to pH less than 2	P or G	6 months
Manganese	Conc HNO(3) to pH less than 2	P or G	6 months
Mercury	Conc HNO(3) to pH less than 2	P or G	28 days
Mercury	Add 20-ml-per liter-of sample-of-a solution-of 2.5%-potassium dichromate-in 1:1-HNO	G P	30-days 14-days
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Parameter(a)	Preservative(b)	Container(c)	Maximum Holding Time(d)
Nickel	Conc HNO(3) to pH less than 2	P or G	6 months
Nitrate	Conc-H(2)SO(4)-to-pH less-than-2 Cool 4° C	P-or-G	14-days 28 days
Chlorinated	Conc H(2)SO(4) to pH less than 2 [g]	P or G	14 days [e]
Non-Chlorinated	Cool 4° C	P or G	48 hours
Nitrite	Conc HNO(3) to pH less than 2	P or G	6 months
Selenium	Conc HNO(3) to pH less than 2	P or G	6 months
Silver	Conc HNO(3) to pH less than 2	P or G	6 months
Pbioxide	None	P-or-G	1-month
Sodium	Conc HNO(3) to pH less than 2	P or G	6 months
Sulfate	Cool 4° C	P or G	28 days
Thallium	Conc HNO(3) to pH less than 2	P or G	6 months
Total Dissolved Filterable Residue			
Zinc	Cool 4° C	P or G	7 days
	Conc HNO(3) to pH less than 2	P or G	6 months
Chlorinated hydrocarbons	Refrigerate-at 4°-6-as-soon-as possible-after collection	G-with-foi+or region-lined-esp	14-days+†
Chlorophenoxys	Refrigerate-at 4°-6-as-soon-as possible-after collection	G-with-foi+or region-lined-esp	7-days+†

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Parameter(a)	Preservative(b)	Container(c)	Maximum Holding Time(d)
Synthetic Organic Chemicals	[f]	[f]	[f]
Cyanide	Add-NaOH-to-pH greater-than-12 refrigerate-6 keep-in-dark	P-or-G	24-hours
Trihalomethanes	0.008% sodium thiosulfate or ascorbic acid; NA1275f210f37 Refrigerate at 4° C as soon as possible after collection	G with-foil or Teflon-lined cap	14 days
Volatile Organic Compounds	HCl to pH less than 2, Cool 4° C	G with Teflon-lined cap	14 days
Alkalinity	Refrigerate-at-4°-6 as-soon-as possible-after collection	P-or-G	14-days
Calcium	Conc-HNO3-to-pH less-than-2	P-or-G	6-months
Copper	Conc-HNO3-to-pH less-than-2	P-or-G	6-months
Hydrogen-ion (pH)	None	P-or-G	2-hours
Iron	Conc-HNO3-to-pH less-than-2	P-or-G	6-months
Manganese	Conc-HNO3-to-pH less-than-2	P-or-G	6-months
Sodium	Conc-HNO3-to-pH less-than-2	P-or-G	6-months
Total-dissolved	Refrigerate-at	P-or-G	14-days

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Parameter(a)	Preservative(b)	Container(c)	Maximum Holding Time(d)
(fitterable) residue	4°-6°-as-soon possible-after collection		
Zinc	Conc-HNO3-to-pH less-than-2	P-or-G	6-months

AGENCY NOTES:

- If a laboratory has no control over these factors the laboratory director must reject any samples not meeting these criteria and so notify the authority requesting the analyses.
- The following procedure shall be utilized if the concentrated acid specified for preservation cannot be used because of shipping restrictions:
 - the sample shall be initially preserved by icing and immediately shipped to the laboratory;
 - upon receipt in the laboratory, the sample shall be acidified with the concentrated acid specified for preservation to pH less than 2; and
 - at the time of analysis the sample container shall be thoroughly rinsed with a 1:1 solution of the same type of acid and water, with the washings being added to the sample.
- P = Plastic, hard or soft; G = Glass, hard or soft.
- In all cases, samples should be analyzed as soon after collection as possible.
- Well-stoppered-and-refrigerated-extracts-can-be-held-up-to-30-days.
- Nitric-acid-is-a-negative-interference-if-arsenic-is-determined-by-the spectrophotometric-method-Chemically suppressed ion chromatography methods cannot be used.
- Preservation, container, and maximum holding time are specified within the approved methods.
- No preservation is required if analysis is completed within 48 hours from the time of sample collection.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.240 Quality Control

- A written description of the current laboratory quality control program shall be maintained and made available to analysts in an area of the laboratory where analytical work takes place. A record-of-analytical-quality-control-tests-and-quality-control-checks-on materials-and-equipment-shall-be-prepared-and-retained-for-5-years.
- A laboratory manual containing complete written instructions for each parameter for which the laboratory is certified shall be maintained

and made available to analysts in an area of the laboratory where analytical work takes place.

- c) A laboratory shall analyze unknown performance evaluation samples provided by the Agency or participate in the USEPA's Water Supply Performance Evaluation Survey so that results proving satisfactory precision and accuracy, as specified in Section 183.140, are submitted to the Agency once per year for the parameters for which the laboratory is certified. When performance evaluation sample results indicate technical error, the Agency will provide appropriate technical assistance, and follow up performance evaluation samples shall be analyzed by the laboratory.

AGENCY NOTE: A copy of the USEPA's Water Supply Performance Evaluation Survey may be obtained from the USEPA's Region V offices located at 230 South Dearborn Street, Chicago, Illinois 60604.

- d) A laboratory shall conduct analyses on quality control samples (USEPA Quality Control Sample or equivalent) once per quarter for the parameters for which a laboratory is certified.

e) A current service contract shall be in effect on all analytical balances.

- e)f) National Institute of Standards and Technology, Department of Commerce, Gaithersburg MD 20899 (NIST 1992, exclusive of any subsequent amendments or editions). Standardized Class "S" weights shall be available at the laboratory to make periodic checks on balances. This frequency shall not be less than once per month. A record of these checks is to be available for inspection.

- f)g) At least one thermometer, 1° C finer subdivision to 180° C and certified by or traceable to the National Bureau of Standards NIST for one-of-equivalent-accuracy shall be available to check thermometers in ovens, etc.

- g)h) Color standards or their equivalent shall be available to verify wavelength settings from 200 to 800 nm on spectrophotometers. A record of these checks shall be available for inspection. The specific checks and their frequency shall be as prescribed in the laboratory's QA plan. The frequency of these checks shall not be less than every 6 months.

- h)i) Chemicals shall be dated upon receipt of shipment and replaced as needed or, if earlier, before shelf life has been exceeded.

- i) A laboratory should conduct analyses on known-reference samples--once per quarter--for the parameters measured.

- j) The following quality control procedures shall be utilized by the laboratory for inorganic-parameters each analyte for which a laboratory is certified:

- 1) After the beginning of each day that samples are to be analyzed, a standard reagent curve composed of a minimum of a reagent blank and three standards has been prepared; subsequent standard-curves shall be verified by use of at least a reagent blank--and one standard--at or near the maximum-allowable concentration--Daily-checks must be within plus or minus 10 percent--of original curve; and covering the sample concentration

range must be analyzed.

- 2) if 20 or more samples per day are analyzed, working standard curve shall be verified by running an additional standard at or near the maximum allowable concentration every 30 samples. Daily checks must be within plus or minus 10 percent of original curve. Calibration for some methods is so time-consuming that subsection (j)(1) above is impractical. For these methods, the standard curve is to be initially developed as specified in subsection (j)(1) above. Thereafter, at the beginning of each day on which analyses are performed, this curve is to be verified by analysis of at least a reagent blank and one standard in the expected concentration range of the samples analyzed that day. All checks shall be within plus 10 percent of the original curve or meet the specifications of the approved method.

- 3) If the reagent blank stated in subsection (j)(1) above is not carried through the full analytical procedure, then some other blank (at least one a day) must be carried through the entire analytical procedure. Results from reagent blanks shall not exceed the laboratory's determined method detection limit.

- 4) The laboratory should add a known spike to a minimum of 10 percent of the routine samples (except when the method specifies a different percentage, i.e., furnace methods) in order to determine if the entire analytical system is in control. The spike concentration shall not be substantially less than the background concentration of the sample selected for spiking. These checks shall be evenly spaced and one check shall be at the end of the day's analyses. Over time, samples from all routine sample sources shall be spikes. If any of these checks are not within the limits specified in subsection (j)(5) below, a standard shall be analyzed to determine if the "out of control" condition was due to sample matrix or system operation. This standard must be analyzed through the complete analytical system. Corrective action must be taken in accordance with the laboratory's quality assurance plan.

- 5) Until sufficient data are available from the laboratory, usually a minimum of 15 to 25 test results on a specific analysis, the laboratory is to use the control limits, if available, developed from the mean (X) and standard deviation (S) relationships in Table IV-6 (See Chapter IV of the Manual for the Certification of Laboratories Analyzing Drinking Water, EPA-570/9-90/008, April 1990, exclusive of any subsequent amendments or editions). This Table was derived from USEPA's performance evaluation sample data. After inserting the analytical concentration (C), including the background concentration (B) wherever appropriate, into the proper pair of relationships, compute control limits for standards as $X \pm 3(S)$ and for spike recoveries as $(X-B) \pm 3(S)$. As sufficient data become available, the laboratory shall develop traditional quality control chart criteria for the various quality control checks specified in subsection (j)(4) above (See

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Chapter 6 of the Handbook for Analytical Quality Control in Water and Wastewater Laboratories, EPA-600/4-79-019, March 1979, exclusive of any subsequent amendments or editions, or similar quality control reference texts for further information). Since percent recovery may not be a constant, the percent recovery data may have to be separated into concentration intervals before control limits are calculated for each interval. If any of these control limits are tighter than the matching control limits in Table IV-6, the laboratory shall use the tighter criteria. Otherwise, control limits in Table IV-6 are required. If no control limit criteria has been specified, then the laboratory shall use the mean + two times the standard deviation obtained in the method detection limit determination required below. The laboratory must continue to calculate traditional control limits for each analyte interval as additional results become available. It is further required that the laboratory periodically determine the method detection limits in accordance with Appendix B to 40 CFR 136.

- 6) If the method requires any additional quality control, it shall be performed in the laboratory.
- h) The following quality control procedures shall be utilized by the laboratory for organic parameters:
 - 1) Per each day on which pesticide or phenoxycid analyses are initiated, or trihalomethane reagent water is prepared, a laboratory method blank shall be analyzed with the same procedures used to analyze samples.
 - 2) A minimum of three calibration standards shall be analyzed each day, except that a minimum of one calibration standard per day is sufficient if the laboratory can demonstrate that the instrument response is linear through the origin and the response of the standard is within plus or minus 15 percent of previous calibrations.
 - 3) A field blank for trihalomethanes shall be analyzed with each sample set and resampling shall be done if reportable levels of trihalomethanes are found to have contaminated the field blank.
 - 4) Analysis of 10 percent of all samples for trihalomethanes shall be done in duplicate with a continuing record of results and subsequent actions maintained.
 - 5) A known trihalomethane laboratory control standard shall be analyzed each day so that if errors exceed 20 percent of the true value all trihalomethane results since the previous successful test are to be considered suspect.
 - 6) Each time the trihalomethane analytical system undergoes a major modification or prolonged period of inactivity, the precision of the system shall be demonstrated by the analysis of replicate laboratory control standards.
 - 7) Laboratories that analyze for trihalomethanes by liquid/liquid extraction shall demonstrate that raw source waters do not contain interferences under the chromatographic conditions

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- selected and
- 8) If a mass spectrometer detector is used for trihalomethane analysis, the mass spectrometer performance tests described in Section 183.240(k) using p-bromofluorobenzene shall be conducted once during each 8-hour work shift with records of satisfactory performance and corrective action maintained.
- 1) The following quality control procedures shall be utilized by the laboratory for both inorganic and organic parameters:
 - 1) At least one duplicate sample shall be run every 10 samples, or with each set of samples, to verify precision of the method.
 - 2) Standard deviation shall be calculated and documented as described in Handbook for Analytical Quality Control in Water and Wastewater Laboratories, EPA-600/4-79-019, 1979, U.S. Environmental Protection Agency, Office of Research and Development, Cincinnati, Ohio 45268, for all measurements conducted and
 - 3) Quality control charts or a tabulation of mean and standard deviation shall be used to document acceptability of data, as described in Handbook for Analytical Quality Control in Water and Wastewater Laboratories, EPA-600/4-79-019, 1979, U.S. Environmental Protection Agency, Office of Research and Development, Cincinnati, Ohio 45268, on a daily basis.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.245 Record Maintenance

Records of chemical analyses shall be kept by the laboratory for not less than one year three years. Since public water supplies are required by 35 Ill. Adm. Code 607.106 (prior to codification Rule 316(e) of the Illinois Pollution Control Board Rules and Regulations Chapter 6, Public Water Supply) to maintain records of chemical analyses for not less than 10 years, laboratories which maintain records for less than 10 years may wish to give records of analyses performed to the appropriate public water supplies instead of destroying such records. The disposal of all records subject to the local Records Act (Ill. Rev. Stat. 1981 ch. 116, pars. 43-101 et seq.) must be in accordance with the provisions of that Act. Enforcement data which includes all raw data, calculations, quality control data and reports shall be kept for three years. Actual laboratory reports may be kept. However, data, with the exception of compliance check samples, as detailed in 40 CFR 141.33(b), may be transferred to tabular summaries which shall include the following information:

- a) Date, place, and time of sampling, preservative added;
- b) Name of person who collected the sample;
- c) Identification of the sample origin, such as routine distribution system sample, check sample, raw or process water sample, or other special purpose sample;
- d) Date of receipt of sample;

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monitor their eventual deterioration. The standards shall be replaced when any major change from the previous calibration occurs. Solid turbidity standards composed of plastic, glass, or other materials shall not be used.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.255 Action Response to Laboratory Results

When a laboratory laboratory's results indicate that a maximum allowable concentration of any parameter has been exceeded by a public water supply, the person requesting facility the analysis shall be notified as soon as possible but in any event within 48 hours two business days after of the unsatisfactory sample result.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

SUBPART C: MICROBIOLOGICAL ANALYSES OF
PUBLIC WATER SUPPLY SAMPLES

Section 183.310 Personnel Requirements

a) The laboratory director shall be a person holding a minimum of a bachelor's degree in natural or physical sciences with at least 24 semester hours in chemistry or microbiology or both and shall have had a minimum of three years experience in an environmental laboratory. The laboratory director shall be either a full-time employee or a consultant.

b) The laboratory supervisor shall be a person holding a minimum of a bachelor's degree in microbiology, biology, chemistry, or a closely related field. In addition, the laboratory supervisor shall have had a minimum of one year of bench experience in an environmental laboratory in the area of analytical responsibility and shall demonstrate ability to properly perform representative test procedures under his or her supervision while under observation by the certification officer. However, only the requirements specified in Section 183.310(c) shall be required for a laboratory supervisor employed by water or sewage treatment plants that serve communities with a population of 30,000 or less. A laboratory supervisor shall be a full-time employee.

c) An analyst is a person who performs microbiological analyses on waters, has a minimum of high school diploma in academic or laboratory oriented vocational courses, and has had a minimum of three six months bench experience in a microbiological analytical laboratory. In addition, an analyst shall demonstrate ability to properly perform representative test procedures with which he or she is involved while

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- e) Records necessary to establish chain-of-custody of the sample;
- f) Date of sample analysis;
- g) Name of the persons and designation of the laboratory responsible for performing the analysis;
- h) Designation of the analytical techniques or method used, quality control data; and
- i) Results of the analysis.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.250 Free Chlorine Residual and Turbidity

a) Free and total chlorine residual measurements do not need to be done in certified laboratories, but may be performed by any persons if such persons adhere to the following standards in their analyses:

- 1) Samples shall not be preserved for later analysis. All analyses shall be made as soon as practicable, but no later than one hour after sample collection;
- 2) Plastic or glass containers shall be used for sample collection;
- 3) A DPD Colorimetric Test Kit, or a spectrophotometer, or a photometer shall be available; and
- 4) The DPD Colorimetric Method specified in "Standard Methods for the Examination of Water and Wastewater," 13 16th Edition, American Public Health Association, (New York-New York-1971 Washington, D.C., 1985, exclusive of any subsequent amendments or editions) 17 pp-129-132 shall be utilized.

b) Turbidity measurements do not need to be done in certified laboratories, but may be performed by any persons approved by the Agency in accordance with Technical Policy Statement 309(B)(2) of the Illinois Environmental Protection Agency, Division of Public Water Supplies, if such persons adhere to the following standards in their analyses:

- 1) Samples shall not be preserved for later analysis. All analyses shall be made as soon as practicable, but no later than one hour after sample collection;
- 2) Plastic or glass containers shall be used for sample collection;
- 3) A nephelometer shall be available;
- 4) The Nephelometric Method specified in "Standard Methods for the Examination of Water and Wastewater," 13 16th Edition, American Public Health Association, (New York-New York-1971 Washington, D.C., 1985, exclusive of any subsequent amendments or editions), pp-350-353 or in "Methods for Chemical Analysis of Water and Wastes," United States Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, (1974) 17 pp-295-299 shall be utilized; and
- 5) Sealed liquid turbidity standards purchased from the instrument manufacturer must be calibrated against properly prepared and diluted formalizing standards at least every 4 months in order to

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under observation by of the certification officer, and shall have satisfactory results in the split-water sample program. Analysts shall be under the direct supervision of the laboratory supervisor.

- d) Support personnel are persons who have had a minimum of 30 days on-the-job training in areas of responsibility. Support personnel shall be under the supervision of the laboratory supervisor and shall demonstrate ability to properly perform representative test procedures with which he or she is involved while under observation by the certification officer, if requested to do so.

e) A person who, as of July 1, 1979, is serving in an a certified environmental laboratory in any either capacity as defined in Section 183.310(a-e) subsections (a) or (b) above and does not meet either the educational requirements or experience requirements or both for said position may be recommended by the certification officer to continue to serve in said position by the certification officer. In recommending that an existing laboratory director laboratory supervisor or also, a certified analyst continue to serve in that position, may be recommended by the certification officer to fill a vacancy for the position of laboratory supervisor. In making these recommendations the certification officer shall take into account the following factors:

- 1) Length of experience as an offset for not meeting educational requirements;
- 2) Extent of education as an offset for not meeting experience requirements; and
- 3) For analysts, demonstration of ability to properly perform representative test procedures with which he or she is involved while under observation by of the certification officer.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.315 Physicat Laboratory Facilities

The laboratory's physical facilities shall meet the following specifications:

- a) A minimum of 150 square feet of floor space shall be provided for each analyst.
- b) Floors shall be covered with asphalt tile, vinyl, concrete, or other impervious, washable surface; which can be easily maintained.
- c) Ample floor space shall be available for stationary equipment such as autoclaves, incubators, and hot-air sterilization ovens. Storage space that is free of dust and insects shall be provided for the protection of glassware, media, and portable equipment.
- d) Laboratories analyzing potable waters, non-potable source and recreation waters, and sewage by microbiological methods shall have at least two separate rooms (a room for potable water, non-potable source and recreation waters; and a room for sewage).
- e) A separate area for preparation and sterilization of media, glassware, and equipment shall be provided. Laboratories of water or sewage

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treatment plants that serve a population of 30,000 or less may carry out these activities in the same room(s) as used for microbiology, provided all activities of this nature are carried on in a special area of the room(s).

- f) Walls and ceilings shall be covered with waterproof paint, enamel, ceramic tile, or other surface material that provides a smooth finish which is easily cleaned and disinfected.

g) A minimum of 6 linear feet of useable bench space, free of equipment, shall be provided for each analyst.

- h) Bench tops shall be stainless steel, epoxy plastic, or other smooth impervious material which is inert, corrosion resistant, has a minimum number of seams, and is level.

i) Laboratory lighting shall be even and provide a minimum of 100 footcandle light intensity at all working surfaces.

- j) The laboratory shall include a sink with hot and cold running water. All water supply outlets shall be protected by approved vacuum breakers.

k) Laboratories shall be well ventilated and free of dusts, drafts, and extreme temperature changes. Central air-conditioning is recommended to reduce contamination, permit more stable operation of incubators, and decrease moisture problems with media and analytical balances. The temperature within the laboratory shall be maintained at between 60° and 80° F.

- l) An adequate electrical supply for operation of instruments and mechanical needs shall be provided. The certification officer may require verification from an official inspector or other qualified person that the laboratory meets local and national electrical codes.

m) All electrical outlets shall be properly grounded.

- n) Instruments shall be properly grounded with an internal or external regulated power supply available to each instrument.

o) All plumbing shall meet local and state plumbing codes. The certification officer may require verification from an official inspector or other qualified person that the laboratory meets such codes.

- p) The laboratory shall include a vacuum source if the analyses performed so require.

q) The laboratory shall be located in an area sufficiently free from noise and vibrations to prevent interference with its functions.

- r) The laboratory shall have a readily available source of laboratory pure water.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.320 Laboratory Equipment

Only those instruments that are needed to analyze for the parameters for which the laboratory is being certified are required, but those instruments shall meet the following minimum specifications. A laboratory doing all the analyses

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described in Section 183.335 shall have, or have access to, all of the equipment listed in this Section with the minimum specifications cited.

- a) A top loading or trip pan balance shall be clean, not corroded, and provided with appropriate weights of good quality standardized Class S or S-1 weights, certified by the manufacturer as meeting the requirements established by the NIST.

- 1) A torsion or trip pan balance used for weighing materials of 2 grams or more shall detect 100 mg of weight accurately at a 150 gram load.

- 2) An analytical balance used for weighing quantities of less than 2 grams shall be sensitive to ± 1 mg at a 10 gram load.

- b) A magnetic stirrer shall be of variable speed, 120 volts, and use of Teflon-coated stirring bar. The magnetic stirrer may be equipped with a heating element.

- c) A pH meter shall have an accuracy of at least plus or minus ± 0.1 units and a scale readability of at least plus or minus 0.1 units. The pH meter may be either line/bench or battery/portable operated.

- d) A conductivity meter and cell combination, suitable for checking distilled laboratory pure water quality, shall be readable in ohms or mhos, and have a range of up to 2.5 megohm-cm resistivity (conductivity down to 0.4 micromhos/cm) plus or minus 1 percent. The conductivity meter may be either line/bench or battery/portable operated.

- e) An autoclave shall be horizontal-chambered and shall meet all of the following specifications:

- 1) When observed during the operational cycle or when time-temperature charts are read, the autoclave shall be in good operating condition;
- 2) An operating safety valve shall be included;
- 3) Separate temperature and pressure gauges shall be located on the exhaust side;
- 4) The autoclave shall reach and maintain a temperature of 121°C during the sterilization cycle, and no more than 45 minutes shall be required for a complete cycle of carbohydrate media; and
- 5) Depressurization shall not produce gas bubbles in fermentation media.

- f) A hot-air sterilization oven shall operate at a minimum of 175°C , shall be equipped with a thermometer inserted through the top port hole or be equipped with a temperature recording device, and shall be equipped with a thermostatic control that will not allow the temperature to deviate by more than plus or minus 5°C from the temperature setting.

- g) An incubation unit shall maintain an internal temperature of 35°C plus or minus 0.5°C or 44.5°C plus or minus 0.2°C and shall be of the following type: air or water jacketed incubator, incubator room, waterbath, or aluminum block incubator. Incubation units of the aluminum block type shall have culture dishes and tubes that are snug fitting in the block.

- h) An ultraviolet sterilizer shall be free from radiation leaks and shall

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be UV efficiency tested quarterly as described in "Microbiological Methods for Monitoring the Environment" U.S.-Environmental Protection Agency, Environmental Monitoring and Support Laboratory, Environmental Research Center, Cincinnati Ohio 45268 (EPA-600/8-78-017) December 1978 "Standard Methods for the Examination of Water and Wastewater." Proper eye protection shall be available for users of the ultraviolet sterilizer. The ultraviolet sterilizer shall not be used as a substitute for an autoclave. The unit shall be disconnected monthly and the lamps cleaned by wiping with a soft cloth moistened with ethanol.

AGENCY NOTE: The "Standard Methods for Examination of Water and Wastewater," referenced in this Subpart C, shall be the 16th Edition, American Public Health Association, Washington, D.C., 1985, exclusive of any subsequent amendments or editions. A copy of this publication is available for public inspection at the Department of Public Health.

- 1) A hot-plate may be a large or small unit and shall have a detachable temperature control for safe heating of laboratory media and reagents.
- 2) A refrigerator shall maintain a temperature of between 1°C and 4.4°C and shall be equipped with a thermometer located on the top shelf. The thermometer shall be graduated in at least 1°C increments and the thermometer bulb shall be immersed in liquid.

- 3) An agar-tempering water bath shall be of appropriate size for holding melted medium and shall be thermostatically controlled at 45°C plus or minus 1°C .

- 4) The following standards shall apply to temperature monitoring devices:

- 1) Glass or metal thermometers shall be graduated in no greater than 0.5°C units for use in 35°C incubators.
- 2) Glass or metal thermometers shall be graduated in no greater than 0.1°C or 0.2°C units for use in 44.5°C waterbaths or aluminum block type incubators.
- 3) Continuous temperature recording devices shall be sensitive to at least 0.5°C when used on 35°C incubators, and shall be sensitive to at least 0.2°C when used for 44.5°C waterbaths or aluminum block type incubators.
- 4) An NBS NIST certified thermometer, or one of equivalent accuracy graduated in 0.2°C or less, shall be available for calibration use and shall be accompanied with its certification papers and procedures for use. Unless otherwise specified in this Subpart B, all thermometers and temperature recording devices shall be calibrated against such certified thermometer to within plus or minus 1.0°C (plus or minus 1.8°F).
- 5) Each laboratory shall have a maximum registering thermometer in the range of 200°C to 400°F (90°C to 200°F) graduated in increments no greater than 2°F (1°C).
- 6) Each laboratory shall use separate thermometers for determining the temperatures of waterbaths, ovens, autoclaves, samples, refrigerators, storage areas, etc.
- 7) The liquid column of glass thermometers shall have no

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separations.

m1) Optical counting equipment shall include a low power magnification device of the dissecting or stereo-microscope. Stereomicroscope type with a magnification power of 10 to 15 diameters, and an external daylight fluorescent light source for sheen discernment at an angle of 60° to 80° above the colonies.

n1m) A mechanical hand tally shall be available for counting colonies on membrane filters or agar pour plates.

o1n) Where metal inoculation loops are used, inoculation equipment shall have loops shall be of 22 to 24 gauge Nichrome, chromel, or platinum-iridium wire; with loop diameters diameters of at least 3 mm. Hot-air sterilized wooden applicator sticks or presterilized plastic loops may be used.

p1o) Membrane filter equipment shall be non-leaking, uncorroded, and made of stainless steel, glass, or autoclavable plastic. Metal plating on membrane filter equipment shall not be worn so as to expose base metal.

q1p) Membrane filters shall be white, grid marked, 47 mm diameter, with 0.45 micron pore size, and made from cellulose ester materials. Another pore size may be used if the manufacturer gives performance data equal to or better than the 0.45 micron membrane filter. Membrane filters shall be autoclavable or presterilized.

r1q) Absorbent pads shall be of uniform thickness to permit 1.8 to 2.2 ml media absorption and shall be autoclavable or presterilized. Filter paper shall be free from growth inhibitory substances.

s1r) Forceps used to handle membrane filters and absorbent pads shall have a round tip without corrugations.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993.)

Section 183.325 Laboratory Glassware, Plastic Ware and Metal Utensils

The following standards shall apply to glassware, plastic ware, and metal utensils used in the laboratory:

a) Except for disposable plastic ware, items shall be resistant to effects of corrosion, high temperature, and vigorous cleaning operations. Metal utensils made of stainless steel are preferred. Plastic items shall be of clear, inert, non-toxic material and shall retain accurate graduations or calibration marks after repeated autoclaving. Glassware which is used for purposes that may subject it to damage from heat or chemicals shall be of borosilicate glass. All glassware shall be free of chips, cracks, or excessive etching. All volumetric glassware shall be Class A, denoting that it meets Federal Specifications and need not be calibrated before use. Federal standards established by the American Society for Testing and Materials (ASTM).

b) Graduated cylinders for measurement of sample volumes shall have a

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tolerance of 2.5% or less. Precalibrated containers shall have clearly marked volumes of 2.5% tolerance. The calibration of each precalibrated container shall be checked by measuring the volume of ten calibrated containers.

b7c) Media preparation utensils shall be of borosilicate glass or stainless steel, and shall be clean and free from foreign residues or dried medium.

c7d) Pipets shall meet the specifications set forth in "Standard Methods for the Examination of Water and Wastewater," 14th Edition, American Public Health Association, Washington, D.C., 1976, except that Containers for glass pipets shall be of either stainless steel or aluminum. Pipets used for measuring 10 ml samples or less shall be sterile and of glass or plastic. Opened packages of sterile disposable pipets shall be securely resealed between uses.

d7 Sterile graduated cylinders with legible graduation marks shall be used for measurement of samples larger than 10 ml, except that membrane filter funnels marked to within an accuracy of plus or minus 2.5% may be used in lieu thereof.

e) Culture dishes shall be sterile and shall be of the tight or loose-lid plastic, or loose-lid glass type. In addition, culture dishes shall be of 100 mm x 15 mm or 60 mm x 15 mm size; and shall be clear, flat bottomed, and free from bubbles or scratches or both. Containers for culture dishes shall be of aluminum or stainless steel; or culture dishes shall be wrapped in heavy aluminum foil or char-resistant paper. Open packages of sterile disposable culture dishes shall be securely resealed between uses. Loose-lid dishes shall be incubated in a tight-fitting container to prevent dehydration of membrane filter and medium.

f) Culture tubes shall be of borosilicate glass or other corrosion resistant glass, and shall be of sufficient size to contain culture medium, as well as the sample portions employed, without being more than three-fourths full. Culture tube closures shall be snug loose fitting stainless steel or plastic caps, or loose-fitting aluminum caps, or plastic screw caps with non-toxic liners.

g) Dilution bottles shall be of borosilicate glass or other corrosion resistant glass, or autoclavable plastic, and shall be free of chips and cracks at the lip. A graduation level shall be distinctly marked on the side of dilution bottles at 99 ml. Dilution bottle closures shall be plastic screw caps with leakproof liners and shall not produce toxic substances during the sterilization process.

h) Sample bottles shall be sterile, of plastic or hard glass, wide mouthed, and of least 120 ml capacity. Sample bottle closures shall be glass stoppers or screw caps (metal or plastic), capable of withstanding repeated sterilization, with leakproof liners, and shall not produce toxic substances during the sterilization process. Glass stoppered bottle closures shall be covered with aluminum foil or char-resistant paper for sterilization. Metal caps with exposed bare metal on the inside shall not be used. Presterilized bags, with or without a dechlorinating reagent, may be used.

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(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.330 General Laboratory Practices

a) The following standards shall apply to sterilization procedures:
1) Autoclaving of the following items shall be carried out at 121° plus or minus 1° C for the durations specified below:

Item	Minimum duration of autoclaving
Membrane filters and pads	10 minutes
Carbohydrate-containing media (lauryl tryptose, brilliant green lactose bile broth, etc.)	12-15 minutes
Contaminated materials and discarded tests	30 minutes
Membrane filter assemblies (wrapped), sample collection bottles (empty), and individual glassware items	30 minutes
Rinse water volumes of 500 ml to 1000 ml	45 minutes
Rinse water volumes in excess of 1000 ml	Time adjusted for volume; check for sterility

- Dilution water blanks 3015 minutes
- 2) Membrane filters and pads and all media shall be removed from the autoclave immediately after completion of the sterilization cycle.
- 2+1) The maximum elapsed time for exposure of carbohydrate-containing media to any heat (from the time of closing the loaded autoclave to unloading) shall be 45 minutes.
- 3+1) Membrane filter assemblies shall be sterilized autoclaved between each sample filtration series. A filtration series ends when 30 minutes or more have elapsed between sample filtrations. A UV sterilizer or boiling water may be used on membrane filter assemblies for at least 2 minutes to prevent bacterial carry-over between sample filtrations, but shall not be used as a substitute for autoclaving between sample filtration series.
- 4+1) Dried glassware to be sterilized in a hot-air sterilizing oven

- 6) Empty sample containers shall be moistened with several drops of distilled water before autoclaving to prevent an "airlock" sterilization failure.
- b) Laboratory pure water, which may be distilled, deionized, or other processed water, shall meet the standards set forth in Section 183.345. Only water determined to be laboratory pure water shall be used for performing bacteriological analyses.
- c) Rinse and dilution water shall be prepared in the following manner:
- 1) Prepare a phosphate buffer solution of potassium dihydrogen phosphate (KH₂PO₄) with laboratory pure water as specified in "Standard Methods for the Examination of Water and Wastewater," 14th-Edition-American-Public-Health-Association-(Washington-B-E-7-1976)-p-892.
 - 2) The phosphate buffer solution shall be autoclaved or filter sterilized, labeled, dated, and stored at 1° to 4.4° C.
 - 3) The stored phosphate buffer solution shall be free of turbidity.
 - 4) Rinse and dilution water shall be prepared by adding 1.25 ml of stock phosphate buffer solution and 5.0 ml of magnesium chloride solution per liter of laboratory pure water, and shall have a final pH of 7.2-plus-or-minus-0.2 6.5 - 7.4.
 - 5) When preparing rinse-and-dilution-water-laboratories-sterilizing non-potable-waters-may-use-magnesium-sulfate-as-specified-in "Standard-Methods-for-the-Examination-of-Water-and-Wastewater," 14-th-Edition-American-Public-Health-Association-(Washington-B-E-7-1976)-p-892-or-magnesium-chloride-as-specified-in "Microbiological-Methods-for-Monitoring-the-Environment"-U-S-Environmental-Protection-Agency-(EPA-600/8-78-017)-December-1978-in-addition-to-the-stock-phosphate-buffer-solution:
- 5) Check each batch of dilution/rinse water for sterility by adding 50ml of water to 50ml of double-strength, nonselective broth. Incubate at 35.0° plus 0.5° C for twenty-four hours and check for growth.
- d) The following minimum standards shall be met for storing and preparing media:
- 1) Laboratories shall use commercial dehydrated media for routine bacteriological procedures as quality-control-measures.
 - 2) All media shall be prepared according to the media specification of "Standard Methods for the Examination of Water and Wastewater," 14th-Edition-American-Public-Health-Association-(Washington-B-E-7-1976)-p-892-902.
 - 3) Dehydrated media containers shall be kept tightly closed and stored in a cool, dry location. Discolored or caked dehydrated media shall not be used.
 - 4) All water used shall be laboratory pure water.
 - 5) Dissolution of the media shall be completed before dispensing to culture tubes or bottles.
 - 6) Membrane filter broths and agar media shall be heated in a boiling water bath or, if constantly attended, a hot plate with a

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stir bar, until completely dissolved. The medium shall not be boiled. Denatured ethanol shall not be used.

- 7) Membrane filter broths shall be stored and refrigerated no longer than 96 hours prior to use. Membrane filter agar media shall be stored in refrigerator, and used within two weeks after preparation. Prepared plates shall be stored in sealed plastic bags or containers to minimize evaporation.

- 8) Most-probable-number-(MPN)-Multiple Tube Fermentation (MTF) media, when prepared in tubes with loose-fitting caps, shall be used within one week after preparation. If MPN MTF media are refrigerated after sterilization, they shall be incubated overnight at 35° C to confirm usability. Tubes of MPN MTF media showing growth or gas bubbles shall be discarded. Use refrigerated M-Endo agar LES within two weeks of refrigeration.

- 9) MPNMTF media in screw cap containers may be held up to three months, provided the media are stored in the dark and evaporation does not exceed 0.5 ml per 10 ml total volume.

- 10) Ampuled media such as M-Endo broth and M-FC broth may be used in emergencies emergencies and in those laboratories analyzing fewer than 36 microbiological samples from public water supplies per month provided the ampuled media has been prepared in a microbiological water laboratory certified by the regulatory agency having responsibility for laboratory certification in the States states where ampuled media is manufactured. Record date received, type of medium, lot number, and pH verification. Medium shall be discarded by manufacturer's expiration date.

- 11) Preparation of MMO-MUG medium from basic ingredients by the laboratory is not permitted. Medium shall be protected from light. Ingredients and tubes supplied by manufacturers are sterile and shall not be autoclaved.

- 12) Temper melted heterotrophic, plate-count media at 44 to 46 C before pouring. Melted agar shall be held no longer than three hours. Sterile agar medium shall not be melted more than once.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.335 Methodology

A laboratory must be certified for all analytical methods listed below that it uses. At a minimum, the laboratory must be certified for one total coliform method; one fecal coliform or E. Coli method; and the pour plate method for heterotrophic bacteria.

- a) The following methodology, as specified in the listed references, shall be followed for individual parameters:

Type of water	Parameter	Methodology	Reference(a) (page-number)
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Type of water	Parameter	Methodology	Reference(a) (page-number)
Potable	Total coliforms	Standard total coliform MPN MTF & PA tests(b)	916-919 a & c
Potable	Total coliforms	Standard total coliform membrane filter procedure	920-935 a & c
Potable	Fecal Coliforms	EC verification	c
Potable or Non-potable	Fecal coliforms	Fecal coliform MPN MTF procedure	992 a
Non-potable	Fecal streptococcal	Mutiple-tube technique MTF procedure	934-944 a
Non-potable	Fecal coliforms	Fecal coliform membrane filter procedure	937-939a & c
Non-potable	Fecal streptococcal	Membrane filter technique procedure	944-945a
Potable and non-potable	Bacterial total count	Standard Heterotrophic plate count	900-913 a
Potable and non-potable	Total Fecal coliform and E. Coli	MMO-MUG	c

AGENCY NOTES:

- a. "Standard Methods for the Examination of Water and Wastewater," 14th Edition, American Public Health Association, Washington, D.C., 1975.

reaction (PA). Do not invalidate if coliform are indicated.
(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

b. Excluding the gram-stain technic.
c. "Manual for the Certification of Laboratories Analyzing Drinking Water." U.S. EPA 570/9-90/008A, 3rd Edition (Change 1 - October, 1991). A copy of this manual can be obtained by contacting the U.S. Environmental Protection Agency, Washington, D.C. 20460. This manual as published and dated is exclusive of subsequent amendments or editions.

Section 183.340 Sample Collecting Collection, Handling and Preservation

b) The membrane filter procedure is preferred for the analysis of potable waters, because it permits analysis of large sample volumes in reduced analysis time. The membranes should show good colony development over the entire surface. The golden green metallic sheen colonies should be counted and recorded as the coliform density per 100 ml of water sample.

When the laboratory has been delegated responsibility for sample collecting collection, handling, and preservation, there shall be strict adherence to correct sampling procedures, complete identification of the sample, and prompt transfer of the sample to the laboratory as specified in "Standard Methods for the Examination of Water and Wastewater," 14th Edition, American Public Health Association, Washington, D.C., 1976, pp. 904-907. In addition, the following standards for sample collecting collection, handling, and preservation of potable water samples shall be met:

c) The following requirements for reporting any problems with membrane filter public water supply sample results shall be observed:
1) Confluent growth with or without discrete sheen colonies covering the entire filtration area of the membrane shall be reported as confluent growth per 100 ml with (or without) coliforms and a new sample requested. Invalidate all samples resulting in confluent growth or TNTC (too numerous to count). Record as "confluent growth" or "TNTC" and request an additional sample from the same sampling site. Confluent growth is defined as a continuous bacterial growth, without evidence of total coliforms, covering the entire membrane filter. TNTC is defined as greater than 200 colonies on the membrane filter in the absence of detectable coliforms. Do not invalidate sample when the membrane filter contains at least one total coliform colony.

- a) In order for the sample to be representative of the potable water system, the sampling program shall include examination of the finished water at selected sites that systematically cover the distribution network.
- b) Minimum sampling frequency shall be as specified in 35 Ill. Adm. Code 605.102 (prior to codification Table III of the Illinois Pollution Control Board Rules and Regulations, Chapter 6: Public Water Supply). Water shall be sampled from cold water taps that are free of aerators, strainers, hose attachments, and water purification devices. Prior to sampling, a steady flow of water shall be maintained from the tap for 2 to 3 minutes to clear the service line.
- d) The sample bottle shall be filled allowing at least one-quarter inch of air space from the top to provide space for mixing. A minimum sample volume of 100 ml shall be collected.
- e) The sample report form shall be completed immediately after collecting the sample and shall contain complete information as specified in the "Sample Collector's Handbook," Illinois Environmental Protection Agency, October 1976, pp. 3A-6 through 3A-11, the following information: date and time of collection; location; sample collector's name; sample type (e.g. routine, repeat) and chlorine residual (if applicable).

2) If the total number of bacterial colonies cannot be accurately counted (e.g., a new sample shall be requested). When the new sample is analyzed, the sample volumes filtered shall be adjusted to apply the membrane filter procedure, otherwise the MPN procedure shall be used.
4) If the laboratory has elected to use the MPN test on water supplies that have a continued history of confluent growth and bacterial colonies that cannot be accurately counted, all presumptive tubes with heavy growth without gas production shall be submitted to the confirmed MPN test to check for the suppression of coliforms. A count shall be adjusted based upon confirmation and a new sample requested. This procedure shall be carried out on one sample from each problem water supply once every three months. A laboratory that has elected to use the MPN or PA procedures must invalidate samples that produce turbid cultures in the absence of gas production (WTF) or an acid

f) Sample bottles shall be of at least 120 ml capacity, of sterile plastic or hard glass, wide mouthed with glass stopper or screw cap (metal or plastic), and capable of withstanding repeated sterilization. Presterilized plastic bags, with or without a dechlorinating agent, may be used. Metal caps with exposed bare metal on the inside shall not be used. When samples are to be collected from chlorinated water supplies, sodium thiosulfate shall be added to the sample bottles in an amount sufficient to provide an approximate concentration of 100 mg per liter of sample prior to sterilization of the sample bottles. As an example, 0.1 ml of a 10 percent sodium thiosulfate solution is required for a 120 ml sample bottle.

g) When the sample is delivered to the laboratory:
The following information shall be added to the sample report form

g) When the sample is delivered to the laboratory:

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- 1) The following information shall be added to the sample report form:
- ††A) Date and time of sample arrival; and
- ††B) Name or initials of the person receiving the sample for the laboratory; and
- 2) Each sample shall be assigned a laboratory number. In the event of a repeat or replacement sample, the number assigned to the original sample shall also be recorded.
- h) Records necessary to establish chain-of-custody of the samples shall be maintained.
- i) Samples delivered by collectors to the laboratory shall be analyzed on the day of arrival in the laboratory, and no later than 48 hours after collection (preferably within 30 hours after collection). If a sample is run after the 30 hour limit the laboratory must indicate on the report form that the results may be invalid due to excessive delay before processing. Without exception, samples arriving more than 48 hours after collection shall be refused and a new sample requested.
- †† Where it is necessary to send water samples by mail, United Parcel Service, courier service, or private shipper, elapsed time between sampling and analyses should not exceed 30 hours. Without exception, samples arriving more than 48 hours after collection shall be refused and a new sample requested.
- ††J) Samples of potable water for standard heterotrophic plate count analysis shall be refrigerated and delivered to the laboratory within 6 hours after collection.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.345 Standards for Laboratory Pure Water

The following standards shall apply to all laboratory pure water:

- a) Laboratory pure water shall have these characteristics:

Property	Value
pH	5-5-7-5
Conductivity	Less than 5-0 2.0 micromhos/cm (resistivity greater than 0.25 megohm-cm) plus or minus 1 percent at 25° C

Trace metals:

Individual metals (Cd, Cr, Cu, Ni, Pb, Zn)	Less than or equal to 0.05 mg/l
Total metals	Less than or equal to 0.1 mg/l

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- Test for bactericidal properties of distilled water Ratio of 0.8 to 3.0
- Free chlorine residual None
- Standard Heterotrophic plate count Less than 47000500/ml
- b) Laboratory pure water shall be analyzed initially and annually thereafter by the test for bacteriological quality of distilled water as specified in "Standard Methods for the Examination of Water and Wastewater," 14th Edition, American Public Health Association, Washington, D.C., 1976, pp. 888-891. Only satisfactorily tested water shall be used in preparing media, reagents, rinse, and dilution water. If the water tested does not meet the requirements, corrective action shall be taken and the water retested.
- c) Laboratory pure water shall be analyzed monthly for conductance, pH, chlorine residual, and standard heterotrophic plate count. Standard Heterotrophic plate counts shall be performed as specified in "Standard Methods for the Examination of Water and Wastewater," 14th Edition, American Public Health Association, Washington, D.C., 1976, pp. 908-913. If the water tested exceeds requirements for these properties, corrective action shall be taken and the water retested.
- d) Laboratory pure water shall not be in contact with heavy metals, and shall be analyzed initially and annually thereafter for trace metals (especially Pb, Cd, Cr, Cu, Ni, and Zn). If the water tested exceeds requirements for trace metals, corrective action shall be taken and the water retested.
- e) The following quality control tests for standard heterotrophic plate count shall be utilized:
- 1) Sterility controls shall be poured for each bottle of sterile, melted, tempered medium used.
 - 2) Sterility of pipets and petri dishes shall be determined.
 - 3) Microbial density of the air during plating procedures shall be determined for each series of samples plated. When 15 or more colonies appear on an exposed plate after a 15 minute exposure period and 48 hours of incubation at 35° C, corrective action shall be taken.
 - 4) The sterility of dilution water shall be determined, if used.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.350 General Quality Control Procedures

- a) A written description of the current laboratory quality control program shall be maintained and made available to analysts in an area of the laboratory where analytical work takes place. A record of analytical quality control tests and quality control checks on media,

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materials, and equipment shall be prepared and retained for 5 years.

b) A laboratory manual containing complete written instructions for each parameter for which the laboratory is certified shall be maintained and made available to analysts in an area of the laboratory where analytical work takes place.

c) The following minimum requirements shall apply to analytical quality control tests for general laboratory practices and methodology:

1) At least 10 sheen or borderline sheen colonies shall be verified from each membrane containing 10 or more such colonies. A positive sample for total coliform consists of one or more verified positive colonies by membrane filtration. All sheen or borderline sheen colonies up to 10 on each membrane shall be verified. Counts shall be adjusted based on verification. The verification procedure shall be conducted by transferring growth from colonies into lauryl tryptose broth (LTB) tubes and then transferring growth from gas positive BSB cultures to brilliant green lactose bile broth (BGB) tubes. Colonies shall not be transferred exclusively to BGB because of the lower recovery of stressed coliforms in this more selective medium. However, colonies may be transferred to LTB and BGB simultaneously. If negative BSB tubes shall be re-inoculated a second day and confirmed if gas is produced. Verify all coliform colonies. However, if the number of colonies exceeds 10/100 ml, then randomly pick 10 colonies for verification. An acceptable alternative method is to swab the entire membrane surface and transfer the swab to the verification test media.

2) A start and finish membrane filtration control test of rinse water, medium, and supplies shall be conducted for EACH FILTRATION SERIES each filtration series. If sterile controls indicate contamination, all data on samples affected shall be rejected and a request made for immediate resampling of those waters involved in the laboratory error.

3) The MPN MTF test shall be carried to completion, except for gram staining, on 10 percent of positive confirmed samples. (A positive sample for total coliform consists of one or more positive confirmed tubes by MPN MTF.) If no positive tubes result from the potable water sample, the completed test, except for gram staining, shall be performed quarterly on at least one positive source water.

4) When quality control samples are available each approved analyst shall analyze at least one per year for the parameters measured. 5) When unknown performance evaluation samples are available, each approved analyst shall analyze at least one per year for the parameters measured. When performance evaluation sample results indicate technical error, the Agency will provide appropriate technical assistance and follow up performance evaluation samples shall be analyzed by the laboratory to determine the cause and make suggestions for correction of the problem.

6) Each approved analyst shall monthly verify fecal coliform

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analyses by picking at least 10 isolated colonies from membranes containing typical blue colonies and transferring to lauryl sulfate broth. The tubes shall be incubated at 35° plus or minus 0.5° C for 24 and 48 hours and read for gas production. Growth from positive tubes shall be transferred to BSB broth and incubated at 44.5° plus or minus 0.2° C for 24 hours. Gas production in BSB broth verifies fecal coliform organisms. Each analyst approved for the total coliform procedure by the membrane filter technique shall monthly verify total coliform analyses by inoculating three plates from a known positive sample and inoculating lauryl tryptose broth and brilliant green lactose bile broth from each plate. The lauryl tryptose broth and brilliant green lactose bile broth shall be incubated at 35.0° plus or minus 0.5° C for 24 to 48 hours. Turbid growth with gas production indicates a positive result.

6) Each analyst approved for EC verification shall monthly inoculate three tubes of EC medium with the same swabs used to perform the monthly total coliform verification. EC medium shall be incubated at 44.5° plus or minus 0.2° C for 24 hours.

7) Each analyst approved for the fecal coliform procedure by the membrane filter technique shall monthly verify fecal coliform analyses by picking at least ten isolated colonies from membranes containing typical blue colonies and transferring to lauryl tryptose broth and EC medium. The lauryl tryptose broth shall be incubated at 35.0° plus or minus 0.5° C for 24 to 48 hours. The EC medium shall be incubated at 44.5° plus or minus 0.2° C for 24 hours. Turbid growth with gas production indicates a positive result.

7) Each approved analyst shall monthly verify analyses for fecal streptococci by picking at least 10 isolated pink to red colonies and transferring to brain heart infusion (BHI) agar and broth. The catalase test shall be performed on 24 hour cultures that have been incubated at 35° plus or minus 0.5° C, with catalase negative cultures (possible fecal streptococci) transferred to 40 percent bile BHI broth and incubated at 35° plus or minus 0.5° C. Also, catalase negative cultures shall be transferred to BHI broth and incubated at 45° plus or minus 0.5° C. Growth at both temperatures verifies fecal streptococci.

8) If there is more than one analyst in the laboratory, at least once per month each analyst shall perform parallel analyses on at least one positive sample in order to compare performance between analysts. Count the same heterotrophic plate count plate, total coliform membrane, fecal coliform membrane and fecal streptococcus membrane (if appropriate). Colony counts between analysts shall agree within 10 percent.

9) The standards for laboratory pure water specified in Section 183.345 shall be met.

(Source: Amended at 17 Ill. Reg. 12319, effective

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Section 183.355 Quality Control Controls for Media, Equipment and Supplies

The following minimum requirements shall apply to quality control checks of laboratory media, equipment, and supplies:

- a) The pH meter(s) shall be clean and calibrated each use period with pH 4, and pH 7-or-pH-9 and pH 10 standard buffers. Each buffer aliquot shall be used only once. Commercial buffer solutions shall be dated on initial use. Do not use past the expiration date. Maintain electrodes according to manufacturer's recommendations.
- b) Balances shall be calibrated at-least-annually monthly using NIST standardized Class "S" or "S-1" weights or weights traceable to Class S or S-1 weights. If nonreference weights are used, they shall be calibrated annually with Class S or S-1 weights. A minimum of three weights which bracket the weighing requirements of the laboratory shall be used. Balances shall be calibrated by service contract annually-and-rechecked-as-required.
- c) Glass thermometers or continuous temperature recording devices for incubators shall be checked at least annually for accuracy and metal thermometers shall be checked at least quarterly for accuracy against an NBS NIST certified thermometer, or one of equivalent accuracy.
- d) Temperature in incubation equipment shall be recorded continuously by a temperature recording device or recorded twice daily (at times separated by at least 4 hours) from in-place thermometers immersed in liquid and placed on shelves. Temperature readings from walk-in incubators with a continuous temperature reading device shall be supplemented by readings from in-place thermometers placed on various shelves other than where the recorded probe is located.
- e) Date, time, duration, and temperature of autoclaving shall be recorded continuously or recorded for each sterilization cycle. A list of materials sterilized in each cycle shall be also be maintained and shall be initiated by the person(s) involved.
- f) Hot air oven(s) shall be equipped with a thermometer registering up to at least 180° C, or with a temperature recording device. The oven thermometer shall be graduated in 10° C increments or less, with the bulb placed in sand during use. Date, time, duration, and temperature shall be recorded for each sterilization cycle. A list of materials sterilized in each cycle shall also be maintained and shall be initiated by the person(s) involved.
- g) Only membrane filters recommended for water analysis by the manufacturer shall be utilized. Manufacturer data sheets containing information as to lot number, ink toxicity, recovery, retention, and absence of growth promoting substances for membrane filters shall be entered into the laboratory's record system. New lot numbers of membrane filters shall be compared with the old membranes using Student's t test. Unacceptable membranes shall be returned to the vendor. Record the lot number and date received for membrane filters. Check the sterility of each lot number of membranes by placing one

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membrane in 50 ml volume of nonselective broth medium and checking for growth after 24 hours incubation at 35° plus or minus 0.5° C.

- h) Washing processes shall provide clean glassware with no stains or spotting. Use distilled or deionized water for final rinse. With initial use of a detergent or washing product and annually thereafter, the rinsing process with distilled or deionized water shall be demonstrated to provide glassware free of toxic material based on the Inhibitory Residue Test as specified in "Standard Methods for the Examination of Water and Wastewater," 14th-Edition-American-Public Health-Association-(Washington-B-G-7-1976)-P-885-
- i) Each representative piece of each type of glassware or plastic ware from each batch of clean, dried glassware or plastic ware shall be tested for residual alkaline or acid residue using bromthymol blue indicator. If the results of the indicator test are not within the desired color range of dark green to light blue, corrective action shall be taken by re-rinsing, then air drying and retesting.
- j) At least one bottle per batch of sterilized sample bottles shall be checked for sterility by adding approximately 25 ml of sterile non-selective broth media to each bottle. The bottle shall be capped and rotated so that the broth comes in contact with all surfaces and shall be incubated at 35° plus or minus 0.5° C for 24 hours prior to checking for growth. Prepared sample bottles from each batch shall not be used unless satisfactory results are obtained from the tested bottle.
- k) At least one bottle per batch of sterilized sample bottles prepared with sodium thiosulfate shall be checked for sufficient amount of the dechlorinating reagent by properly collecting a potable sample at the laboratory tap, then checking for residual chlorine. Corrective action shall be taken if there is any residual chlorine, and bottles from the batch checked shall not be used until corrective action has been completed.
- l) Current service contracts or in-house protocols shall be maintained on balances, autoclaves, hot-air sterilization ovens, water stills, deionizers, reverse osmosis apparatus, water baths, incubators, etc. Service records on such equipment shall include the date, name of the servicing person, and a description of the service provided.
- m) Records shall be available for inspection on all batches of sterilized media showing type of medium, lot numbers, date, sterilization time and temperatures, final pH, and name of the person(s) responsible for all or any part of the recorded data. The final pH of the medium shall be:

pH

Media

M-Endo broth	7.2 plus or minus 0.2
M-Endo agar	7.2 plus or minus 0.2
M-Endo LES agar	7.2 plus or minus 0.2
brilliant green	7.2 plus or minus 0.2
lactose bile broth	7.2 plus or minus 0.2

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P-A coliform test mediumEC Medium 6.8 plus or minus 0.2plate count agar 6.9 plus or minus 0.2M-FC broth/agar 7.0 plus or minus 0.2lauryl tryptose broth 7.4 plus or minus 0.2single strength 6.8 plus or minus 0.2double strength 6.7 plus or minus 0.2Levine's EMB agar 7.1 plus or minus 0.2KF Strept agar 7.2 plus or minus 0.2brain heart infusion 7.4 plus or minus 0.2broth/agarOxgall 7.3 plus or minus 0.2Azide dextrose broth 7.2 plus or minus 0.2PSC agar 7.1 plus or minus 0.2

n) Positive and negative cultures, or natural water of known pollution, shall be used on each new lot of medium to determine performance compared to a previous acceptable lot of medium. For media which give actual colonies to count, use Student's "t" method of determining acceptability. For all other media check a minimum total of ten tubes each of old and new lot numbers. The results shall differ by no more than 10%.

o) lot-numbers-of-membrane-filters-and-date-of-receipt-shall-be-recorded-
p) Heat-sensitive-tapes,spore-strips,or-ampules-shall-be-used-weekly
along-with-a-maximum-registering-thermometer-to-verify-sterilization
temperatures-within-autoclaves-and-hot-air-sterilizing-ovens--A
complete-record-of-the-results-of-heat-sensitive-tapes,spore-strips
or-ampules-and-maximum-registering-thermometers-shall-be-maintained,
and-shall-include-the-date-materials-sterilized,--and-name-of--the
person(s)-involved-Use a maximum registering thermometer weekly to
verify sterilization temperatures within autoclaves and hot-air
sterilizing ovens. Use spore strips or ampules on a weekly basis. A
record of these results shall be maintained to include the date,
material sterilized, and the initials of the analyst involved. Check
automatic timing mechanisms on autoclaves quarterly with a stopwatch.
q) When media dispensing apparatus is used, the media preparer shall
check the accuracy of dispensing the dispenser with a graduated
cylinder at the start of each volume change and periodically
throughout extended runs.

r) The refrigerator temperature shall be determined daily by an accurate
thermometer immersed in liquid and placed on the top shelf and the
unit cleaned at least monthly. Outdated materials in the refrigerator
and freezer compartments shall be discharged.

s) Ultraviolet sterilization lamps shall be tested quarterly by exposing
agar spread plates containing 200 to 250 microorganisms
microorganisms to the light for two minutes. If such irradiation does
not reduce the count of control plates by 99 percent, the lamps shall
be replaced. Cleaning of ultraviolet sterilization lamps shall be
done at least monthly by disconnecting the unit and cleaning the lamps

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with a soft cloth moistened with ethanol.

t) s) Water baths shall be cleaned at least monthly. The use of distilled
or deionized water for water baths is recommended.

u) it-is-recommended-that-microscopes-be-covered-when-not-in-use-and
that-lens-paper-be-used-to-clean-optics-and-stage-after-every-use.

v) t) Media shall be used on a first in, first out basis. Records shall be
kept of the kind, amount, date received, and date opened for bottles
of media. The date opened and the date received shall be written on
the bottles. Bottles of media shall be used within 6 months after
opening, except that media stored in a desiccator may be used up to
one year after opening. It is recommended that media be ordered in
quantities to last no longer than one year, and that media be ordered
in quarter pound multiples rather than one pound bottles in order to
keep the supply sealed and protected as long as possible. Discard any
media that has passed the manufacturer's expiration date.

w) Conductivity meters shall be calibrated monthly with a 0.01 M KCL
solution or lower concentration if desired. Calibration is not
required for inline conductivity meters.

(Source: Amended at 17 Ill. Reg. 12319, effective
July 14, 1993)

Section 183.360 Data Handling

a) All records shall be initialed or signed by the person or persons
responsible for recording all or any part of the data, or performing
the various tests.

b) Either each unit shall be responsible for maintaining its own records,
or all records shall be maintained in a general laboratory log book.

c) The laboratory shall record arrival time and date received in the
laboratory, time and date of analysis, direct count, membrane
filtration verified count, MPN WVF completed count, analyst's name,
and other special information on each sample report form.

d) A careful check shall be made to verify that each result is entered
accurately from the bench sheet onto the sample report form. The
sample report form shall be initialed or signed by the persons who
verified the entry of information from the bench sheet.

e) All forms used in the laboratory for both sample reporting and quality
control shall be approved by the certification officer to insure that
data is recorded in a format that is easily interpreted and that
contains all necessary information.

(Source: Amended at 17 Ill. Reg. 12319, effective
July 14, 1993)

Section 183.365 Record Maintenance

a) A copy of the sample report form shall be maintained by the laboratory
for at least five years. If results are entered into a computer

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storage system, a printout of the data shall be returned to the laboratory for verification with bench sheets.

b) Records of bacteriological analyses shall be kept for at least five years. Actual laboratory reports may be kept. However, data may be transferred to tabular summaries which shall include the following information:

- 1) Date, place, and time of sampling;
- 2) Name of person who collected the sample;
- 3) Identification of the sample origin, such as routine distribution sample, resample, construction sample, raw or process water sample, surface or ground water sample, or other special purpose sample;
- 4) Date and time of receipt of sample in the laboratory;
- 5) Records necessary to establish chain-of-custody of the sample;
- 6) Date and time of sample analysis;
- 7) Name of the persons and designation of the laboratory responsible for performing the analysis;
- 8) Designation of the analytical techniques or methods used; and
- 9) Results of the analysis.

c) The disposal of all records subject to the Local Records Act (Ill. Rev. Stat. 1981 1991, ch. 116, pars. 43.101 et seq.) [50 ILCS 205/1 et seq.] must be in accordance with the provisions of that Act.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.370 Action Response to Laboratory Results

For laboratory results concerning samples from public water supplies and their sources, presumptive positive microbiological test results are to be reported to the requesting facility as preliminary without waiting for membrane filtration filter verification or MPN MTF completion. After membrane filtration filter verification or MPN MTF completion or both, the adjusted counts results shall be reported. The requesting facility shall be notified when results indicate that noncoliforms may have interfered with the total coliform analysis.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

SUBPART D: RADIOCHEMICAL ANALYSES OF PUBLIC WATER SUPPLY SAMPLES

Section 183.406 Length of Certification for Radiochemical Laboratories

The length of certification for radiochemical laboratories analyzing water from public water supplies and their sources shall be 3 years.

(Source: Added at 17 Ill. Reg. 12319, effective

Section 183.410 Personnel Requirements

a) The laboratory director shall be a person holding a minimum of a bachelor's degree in natural or physical sciences with at least 24 semester hours in chemistry or microbiology or both, and shall have had a minimum of three five years experience in an environmental laboratory. The laboratory director shall be either a full-time employee or a consultant.

b) A senior analyst is a full-time employee holding a minimum of a bachelor's degree in chemistry, radiochemistry, radioisotope technology, or equivalent natural science field and having had at least one year of experience in low-level radiation measurements and in the radiochemical procedures performed by the laboratory. ---Senior analysts---shall---be---responsible---for---all---radiochemical---procedures performed in the laboratory.

c) An analyst is a person holding a high school diploma or its equivalent and having had a minimum of six months of training or experience or both in routine radiochemistry. Analysts shall be under direct supervision and shall perform only routine procedures which require a minimal exercise of independent judgement can perform the measurements of gross alpha and gross beta radioactivity. Analysts may assist in routine sample preparation and radioanalytical procedures provided that such work is supervised and validated by a senior analyst.

d) An analyst trainee is a person holding a high school diploma or its equivalent. During the period of training, an analyst trainee shall work under the direct supervision of a senior analyst or an analyst, but shall not exercise independent judgement.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.415 Laboratory Physical Facilities

The laboratory's---physical laboratory facilities shall meet the following specifications:

a) A minimum of 150 square feet of floor space shall be provided for each analyst.

b) A minimum of 15 linear linear feet of usable bench space shall be provided for each analyst.

c) In areas where radioactive standards are prepared, bench tops shall be of an impervious material which may be covered with disposable absorbent paper, or impervious trays lined with absorbent paper shall be available.

d) The laboratory shall include a sink with hot and cold running water. All water supply outlets shall be protected by approved vacuum breakers.

e) An adequate electrical supply for operation of instruments and

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mechanical needs shall be provided. The certification officer may require verification from an official inspector or other qualified person that the laboratory meets local and national electrical codes.

- f) All electrical outlets shall be properly grounded.
g) Instruments shall be properly grounded with an internal or external regulated power supply available to each instrument.

- h) All plumbing shall meet local and state plumbing codes. The certification officer may require verification from an official inspector or other qualified person that the laboratory meets such codes.

- i) A natural gas, LP gas, or propane gas supply shall be available.

- j) The laboratory shall include a vacuum source.

- k) A source of distilled water or deionized water or both shall be readily available.

- l) The laboratory shall include at least one fume hood.

- m) Counting instruments shall be located in a room separate from all other analytical activities. The temperature of such room shall be maintained between 60° F (16° C) and 80° F (27° C) and shall not vary under normal operating conditions by more than 3° C.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.420 Laboratory Equipment and Instrumentation

Only those instruments that are needed to analyze for the parameters for which the laboratory is being certified are required, but those instruments shall meet the following minimum specifications. A laboratory doing any of the analyses described in Section 183.430 shall have or have access to all of the equipment listed in this section with the minimum specifications cited:

- a) An analytical balance shall have a precision of plus or minus 0.05 0.1 mg and a scale readability of 0.1 mg.

- b) A pH meter shall have an accuracy of at least plus or minus 0.5 0.1 units and a scale readability of at least plus or minus 0.1 units. The pH meter may be either line/bench or battery/portable operated.

- c) A specific ion meter shall have an accuracy and scale readability of at least plus or minus 0.1 mv, and shall have expanded scale millivolt capability. The specific ion meter may be either line/bench or battery/portable operated.

- d) A conductivity meter and cell combination, suitable for checking distilled water quality, shall be readable in ohms or mhos, and have a range of up to 2.5 megohm-cm (conductivity down to 0.4 micromhos/cm) plus or minus 1 percent. The conductivity meter may be either line/bench or battery/portable operated.

- e) A drying oven shall be of the gravity convection type. A drying lamp shall be of the infrared type.

- f) A desiccator shall be a glass or plastic model, depending upon the particular application.

- g) A hot plate may be a large or small unit and shall have a selectable

temperature control for safe heating of laboratory reagents.

- h) Glassware which is used for purposes that may subject it to damage from heat or chemicals shall be of borosilicate glass. All volumetric glassware shall be Class A, denoting that it meets Federal Specifications and need not be calibrated before use. Federal specifications are established and is certified by the manufacturer as meeting the standards established by the American Society for Testing and Materials (ASTM).

- i) A muffle furnace shall be automatically controlled with a chamber capacity of at least 2200 cubic centimeters. The maximum operating temperature of the muffle furnace shall be at least 1100° C intermittent and 1000° C continuous.

- j) A centrifuge shall be a table-top model with maximum capacity of attaining a speed of at least 3000 RPM and shall have a loading option of 4 x 50 ml capacity.

- k) A fluorometer shall be capable of detecting 0.0005 micrograms of uranium.

- l) A liquid scintillation system shall have a be such that the sensitivity of the radioanalysis meets or exceeds the standards specified in 40 CFR 141.25(c)-(1982) this Subpart.

- m) A gas-flow proportional counting system shall have a detector of the a "windowless" or "thin window" type. A minimum shielding equivalent to 5 cm of lead shall surround the detector. A cosmic (guard) detector shall be operated in anticoincidence with the main detector. The system shall be such that the sensitivity of the radioanalysis will meet or exceed the standards specified in 40 CFR 141.25(c)-(1982) this Subpart.

- n) A low background alpha and beta counting system other than a gas-flow proportional counting system shall have a cosmic guard detector operated in anticoincidence with the signal from the sample detector, and shielding, such that the alpha background will not exceed 0.2 cpm and the beta background will not exceed 2.0 cpm for a 2 inch diameter counting planchet geometry.

- no) A scintillation system designed for alpha counting and used for the measurement of gross alpha activities or radium-226 shall include a Mylar disc coated with a phosphor (silver-activated zinc sulfide) which is placed either directly on the sample or on the face of a photomultiplier tube and is enclosed in a light-tight container. The system shall also include appropriate electronics (high voltage supply, amplifier, timer, and scaler).

- o) A scintillation cell system for the specific measurement of radium-226 by the radon emanation method shall be designed to accept scintillation flasks (Lucas cells). The system shall include a light-tight enclosure capable of accepting the scintillation flasks cells, a detector (phototube), and the appropriate electronics (high voltage supply, amplifier, timers, and scalers). The flasks need not be purchased from commercial suppliers or constructed according to the specifications

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published--in--Bucas--H--P--F--Improved--low-level--Alpha--Scintillation Counter--for--Radon--M--Rev--Sci--Instrum--7-20-680--(1967).

†g) A gamma spectrometer system shall include either a sodium iodide (NaI(Tl)) crystal, a solid state lithium drifted germanium (Ge(Li)) detector, a high purity pure germanium detector, or a gamma-X photon detector connected to a multichannel analyzer.

1) If a sodium iodide detector is used, the crystal shall be either at minimum, a 7.5 cm x 7.5 cm cylindrical crystal, or, preferably, a 10 cm x 10 cm crystal. A minimum shielding equivalent to 10 cm of iron shall surround the detector. It is recommended that the distance from the center of the detector to any part of the shield be at least 30 cm. The multichannel analyzer, in addition to appropriate electronics, shall contain a memory of not less than 200 channels and at least one readout device.

2) If a solid state lithium drifted germanium detector, a pure high purity germanium detector, or a gamma-X photon detector is used, a minimum shielding equivalent to 10 cm of iron shall surround the detector. The multichannel analyzer, in addition to appropriate electronics, shall contain a memory of not less than 2000 channels and at least one readout device.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.425 General Laboratory Practices

a) Prior to use, all glassware shall be washed in a warm detergent solution and thoroughly rinsed, first in tap water and then in distilled or deionized water. This cleaning procedure is sufficient for most analytical needs, but the procedures specified for individual parameters shall be referred to for more elaborate precautions to be taken against contamination of glassware.

b) Distilled or deionized water shall have resistivity values of at least 0.5 megohm cm (conductivity less than 2.0 micromhos/cm) at 25° C.

c) When commercially available, chemicals certified by the manufacturer as being "analytical reagent grade" as specified by the American Chemical Society (ACS) or higher quality chemicals shall be used for all procedures.

d) An enclosed, properly labeled area shall be available for the safe storage of radioactive material.

e) There shall be a designated area within the laboratory for preparation of radioactive standards and samples. Appropriate precautions shall be taken in this area to insure against minimize radiation exposure and to prevent radioactive contamination. Provisions shall be made for safe storage and disposal of radioactive wastes, and for monitoring the work area.

(Source: Amended at 17 Ill. Reg. 12319, effective

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Section 183.430 Analytical Methodology and Required Equipment

a) The following are the minimum equipment requirements, methodology, and references for individual parameters:

Parameter	Methodology	Reference (page number)	Major equipment required for its equivalent††
Gross-alpha	Proportional counting-or-alpha scintillation	SM(f) ASWMid† 598- 664	BP(f)† 1-3 A-or-B
Gross-beta	Proportional counting	598- 664	1-3 A
Strontium -89/-90	Proportional counting	664- 681	29- 33 A
Radium-226	Scintillation	617- 620	16- 23 B
Radium-228	Proportional counting-P	-- --	-- A
Total radium	Precipitation	611- 616	13- 15 A
Cesium-134	Gamma spectrometry or-proportional counting	-- 636- 646	4-5 A-or-E
Protium	Liquid scintillation	629- --	34- 37 B
Uranium	Fluorometry	-- 675- 681	-- P

NOTES:

†a) Adopted--from--40--EPR--141-25--(1982)---All other procedures are considered--an alternative--analytical--techniques--and--may--be substituted--only--if--approved--in accordance--with--40--EPR--141-27--(1982)†

†b) A--low background-proportional-system;--B--Alpha--scintillation

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analysis as described in "Environmental Radioactivity Laboratory Intercomparison Studies Program, Fiscal Year 1981-1982" for each parameter or method for which the laboratory is or desires to be certified. Results shall be provided to the Agency within 60 days after receipt after the performance evaluation sample.

e) Operating manuals and calibration protocols for counting instruments shall be available to laboratory personnel.

f) Calibration data and maintenance records on all radiation instruments shall be maintained in a permanent permanently bound record.

g) The following quality control procedures shall be utilized by the laboratory on a daily basis:

1) To verify internal laboratory precision for a specific analysis, 10 percent or more duplicate analyses shall be performed. If the difference between duplicate analyses exceeds two times the standard deviation of the specific analysis as described in "Environmental Radioactivity Laboratory Intercomparison Studies Program FY1977 Fiscal Year 1981-82," EPA-600/4-77-0017, 81-004, Table 3, U-S--Environmental--Protection--Agency--197777 prior measurements are suspect, calculations and procedures shall be examined, and samples shall be re-analyzed when necessary.

2) When 20 or more specific analyses are performed each day, a performance standard and a background sample shall be measured with each 20 samples. If less than 20 specific analyses are performed each day, a performance standard and a background sample shall be measured along with the samples, except for low level gamma counting.

3) Quality control performance charts or records shall be maintained for each instrument.

h) A current service contract shall be in effect on all analytical balances. Either an electronics technician shall be available or a current service contract shall be in effect for maintenance on all radiation instruments.

i) Standardized Class "G" weights certified by the manufacturer as meeting the requirements established by the NIST for Class "G" weights shall be available at the laboratory and used to make periodic checks on balances.

j) Chemicals shall be dated upon receipt of shipment and replaced as needed or if early before shelf life has been exceeded.

k) The laboratory should prepare and follow a written quality assurance (QA) plan. The following items should be addressed in each QA plan:

1) Sampling procedures;

2) Sample handling procedures which specify procedures used to maintain integrity of all samples (i.e., tracking samples from receipt by laboratory through analysis to final disposition) and provide for maintaining and documenting the chain of custody of samples identified to the laboratory as likely to be the basis for enforcement actions;

3) Instrument or equipment calibration procedures and frequency of their use;

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4) Analytical procedures;

5) Data reduction, validation and reporting, including conversion of raw data to final reported results, insuring accuracy of data transcription and calculations, and procedures and format for reporting data to utilities, the Agency, and other State and federal agencies;

6) Types of quality control checks and frequency of their use which may include preparation of calibration curves, instrument calibrations, replicant analyses, use of quality control samples or calibration standards and use of quality control charts;

7) Preventive maintenance procedures and schedules;

8) Specific routine procedures used to determine data precision and accuracy for each contaminant measured. Precision is determined based on the results of replicate analyses. Accuracy is normally determined by comparison of results with known concentrations in reagent water standards and by analysis of water matrix samples before and after adding a known contaminant spike;

9) Corrective action contingencies, specifying the laboratory's response to obtaining unacceptable results from analysis of performance evaluation samples and from internal quality control checks;

10) Laboratory organization and responsibility including a chart or table showing the laboratory organization and line authority and listing the key individuals who are responsible for ensuring the production of valid measurements and the routine assessment of measurement systems for precision and accuracy (e.g., who is responsible for internal audits and reviews of the implementation of the plan and its requirements).

k) The quality assurance plan may be a separately prepared quality assurance document or may incorporate, by reference, already available standard operating procedures (SOPs) that are approved by the laboratory director and that address the items listed in subsection (j) above. If a particular listed item is not relevant, the quality assurance plan should state this and provide a brief explanation (e.g., some laboratories do not collect samples and thus are not required to describe sampling procedures). A laboratory quality assurance plan should be concise but responsive to the above-listed items. Minimizing paperwork while improving dependability and quality of data are the intended goals.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.445 Record Maintenance

a) Compliance monitoring activities shall be performed using the analytical methodology specified in Section 183.430(a) or approved in accordance with Section 183.430(e). These activities shall be in accordance with written procedures for sample handling, which provide

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for establishing and maintaining an accurate written record which documents the possession and handling of samples.

- b) Records of radiochemical analyses shall be kept by the laboratory for at least three years. This includes raw data, calculations, quality control assurance data, and reports. Actual laboratory reports may be kept. However, data, with the exception of the results of testing required by Section 183.440(c) and (d) compliance check samples, as detailed in 40-CFR-141-33(b), may be transferred to tabular summaries which shall include the following information:

- 1) Date, place, and time of sampling;
 - 2) Name of person who collected the sample;
 - 3) Identification of the sample origin, such as routine distribution sample, check sample, raw or process water sample, surface or ground water sample, or other special purpose samples;
 - 4) Date of receipt of sample;
 - 5) Date of sample analysis;
 - 6) Name of the persons and designation of the laboratory responsible for performing the analysis;
 - 7) Designation of the analytical techniques or methods used; and
 - 8) Results of the analysis.
- c) Computer programs designed and developed in-house shall be verified initially by manual calculations and the calculations shall be available for inspection.
- b)d) The disposal of all records subject to the Local Records Act (Ill. Rev. Stat. 1981 1991, ch. 116, pars. 43.101 et seq.) [50 ILCS 205/1 et seq.] must be in accordance with the provisions of that Act.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

Section 183.450 Action Response to Laboratory Results

When laboratory results indicate that a maximum allowable concentration of any parameter has been exceeded by a public water supply, the person requesting facility the analysis shall be notified as soon as possible, but in any event within 48 hours, two business days of the unsatisfactory sample result.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

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Section 183. Appendix A: Methodology and Required Equipment for Inorganic Chemical Analyses of Public Water Supply Samples

PARAMETER	METHODOLOGY (unfiltered sample) ¹	EPA ²	USEC	ASTM ⁴	PREFERENCE (METHOD NOS.) OTHER APPROVED METHODS
Antimony	Atomic Absorption; furnace technique ¹⁵	204.2	3113	--	--
	Atomic Absorption; Platform ¹⁵	200.9	--	--	--
	ICP-Mass Spectrometry ¹⁵	200.8	--	--	--
	Hydride-Atomic Absorption ¹⁵	--	--	--	D-3697-87
Arsenic	Atomic absorption; furnace technique	206.2	--	--	--
	Atomic absorption; gaseous hydride Spectrophotometric; silver diethyldithiocarbamate	206.3	301-A-VII ^{7A}	1-1062-85 ⁵	D2972-788B
		206.4	3404-A or Z	--	D2972-788A
	Inductively Coupled Plasma ¹⁸	200.7	484 B ⁶	--	--
Asbestos	Transmission electron microscopy	EPA ¹⁴	--	--	--
Barium	Atomic absorption; direct aspiration ¹⁵	208.1	381-A-IV	--	--
	Atomic absorption; furnace technique ¹⁵	208.2	3113B	--	--
	Inductively Coupled Plasma ^{15, 18}	200.7	3120	--	--
Beryllium	Atomic Absorption; Furnace ¹⁵	210.2	3113	--	--
	Atomic Absorption; Platform ¹⁵	200.9	--	--	D-3645-84B
	Inductively Coupled Plasma ^{15, 18}	200.7	3120	--	--
	ICP-Mass Spectrometry ¹⁵	200.8	--	--	--
Cadmium	Atomic-absorption; direct-aspiration technique ¹⁵	213.1	381-A-III	--	B3557-78A
	Atomic absorption; furnace	213.2	3113B	--	or-788
	Inductively Coupled Plasma ^{15, 18}	200.7	--	--	--
Chromium	Atomic-absorption; direct-aspiration	218.1	381-A-III	--	B1687-77B
	Atomic absorption; furnace	218.2	3113B	--	--
	Inductively Coupled Plasma ^{15, 18}	200.7	3120	--	--
Lead	Atomic-absorption; direct-aspiration	239.1	381-A-III	--	B1687-77B
	Atomic absorption; furnace technique	239.2	or-III	--	or-788
	Inductively-Coupled-Plasma	288.7A	3113 ¹⁷	--	D3559-85D
	Inductively Coupled Plasma-mass Spectrometry	200.8	--	--	--
	Atomic Absorption; platform furnace	200.9	--	--	--
Mercury	Manual cold vapor technique ¹⁶	245.1	381-A-VI	--	D3223-7986
	Automated cold vapor technique ¹⁶	245.2	3112B	--	--
Nickel	Atomic Absorption; Furnace ¹⁵	249.2	3113	--	--
	Atomic Absorption; Platform ¹⁵	200.9	--	--	--
	Atomic Absorption; Direct ¹⁵	249.1	3111B	--	--
	Inductively Coupled Plasma ^{15, 18}	200.7	3120	--	--
	ICP-Mass Spectrometry ¹⁵	200.8	--	--	--

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PARAMETER	METHOD/DOLOGY (unfiltered sample) ¹	PREFERENCE (METHOD NOS.)			EPA ²	PREFERENCE (METHOD NOS.)			METHOD/DOLOGY (unfiltered sample) ¹	EPA ²	PREFERENCE (METHOD NOS.)		
		ASTM ⁴	USSE	SM ¹³		ASTM ⁴	USSE	SM ¹³			ASTM ⁴	USSE	SM ¹³
Nitrate	Brucine-colorimetric	--	--	449-B	352.1	--	--	449-B	Atomic absorption; direct aspiration	215.1	--	--	30111-A-ii
	Spectrophotometric; cadmium reduction	D5867-79 ⁹⁸	--	449-E	353.3	--	--	449-E	Atomic absorption; direct aspiration	215.1	--	--	30111-A-ii
	Automated hydrazine reduction	--	--	4500-NO ₃ -E	353.1	--	--	4500-NO ₃ -E	Atomic Absorption; furnace-technique	215.1	--	--	30111-A-ii
	Automated cadmium reduction	D3867-79 ^{9A}	--	685	353.2	--	--	685	EDTA titrimetric	215.1	--	--	30111-A-ii
	Ion Chromatography	--	--	4500-NO ₃ -F	300.0	--	--	4500-NO ₃ -F	Inductively Coupled Plasma	200.7	--	--	30111-A-ii
Nitrite	Ion Selective Electrode	--	--	--	--	--	--	--	Atomic absorption; direct aspiration	220.1	--	--	30111-A-ii
	Spectrophotometric	--	--	B-1011 ⁷	354.1	--	--	B-1011 ⁷	Atomic absorption; furnace technique	220.2	--	--	30111-A-ii
	Automated cadmium reduction	D3867-90	--	4500-NO ₃ -F	353.2	--	--	4500-NO ₃ -F	Colorimetric	200.7	--	--	30111-A-ii
	Manual cadmium reduction	D3867-90	--	4500-NO ₃ -E	353.3	--	--	4500-NO ₃ -E	Inductively Coupled Plasma	200.7	--	--	30111-A-ii
	Ion chromatography	--	--	B-1011 ⁷	300.0	--	--	B-1011 ⁷	Inductively Coupled Plasma; Mass Spectrometry	200.8	--	--	30111-A-ii
Selenium	Atomic absorption; furnace technique ^{3,15}	D3859-88	--	31138	270.2	--	--	31138	Atomic Absorption; platform furnace	200.9	--	--	30111-A-ii
	Atomic absorption spectrophotometry; hydride generation ¹⁶	1-667-78	1-3667-85 ⁵	301-A-Vii	270.3	--	--	301-A-Vii	Colorimetric with preliminary distillation	335.2	--	--	30111-A-ii
Silver	Atomic absorption; direct aspiration	--	--	3013-A-ii	272.1	--	--	3013-A-ii	Distillation Automated Spec	335.3	--	--	30111-A-ii
	Atomic absorption; furnace technique	--	--	31110	272.2	--	--	31110	Distillation, Selective Electrode	335.3	--	--	30111-A-ii
	Inductively Coupled Plasma	--	--	31138	200.7	--	--	31138	Distillation, Amenable, Spec	335.1	--	--	30111-A-ii
	Inductively Coupled Plasma-Mass Spectrometry	--	--	31208	200.8	--	--	31208	Electrometric measurement	150.1	--	--	30111-A-ii
	Atomic Absorption; platform furnace	--	--	--	200.9	--	--	--	Potentiometric	150.1	--	--	30111-A-ii
Fluoride	Potentiometric ion selective electrode	D1179-72 ⁸⁰	--	4143-B ⁶	340.2	--	--	4143-B ⁶	Atomic absorption; direct aspiration	236.1	--	--	30111-A-ii
	Colorimetric method with preliminary distillation	D1179-72 ⁸⁰	--	4143-AC or and	340.1	--	--	4143-AC or and	Atomic absorption; furnace technique	236.2	--	--	30111-A-ii
	Automated complexone method (calizarin fluoride blue)	--	--	6A ⁶	340.3	--	--	6A ⁶	Inductively Coupled Plasma	200.7	--	--	30111-A-ii
	Automated electrode method	--	--	683413E ⁶	--	--	--	--	Atomic absorption; direct aspiration	243.1	--	--	30111-A-ii
	Colorimetric-erichrome cyanine-R method	--	--	--	--	--	--	--	Atomic absorption; furnace technique	243.2	--	--	30111-A-ii
Alkalinity	Electrometric-titration (only to pH 4.5)	D1067-88 ⁸	--	2320	310.1	--	--	2320	Inductively Coupled Plasma	200.7	--	--	30111-A-ii
	Irrimetric or potentiometric method or automated; or equivalent automated methods	--	--	483	310.2	--	--	483	Atomic Absorption; Furnace	279.2	--	--	30111-A-ii
		--	--	--	--	--	--	--	Atomic Absorption; Platform	200.9	--	--	30111-A-ii
		--	--	--	--	--	--	--	ICP-MASS Spectrometry	200.8	--	--	30111-A-ii
		--	--	--	--	--	--	--			--	--	

Total dissolved (filterable)

residue

1-1750-8411

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AGENCY NOTES: The Methodology specified in Appendix A of this Part refers to the methods, standards and procedures listed below. Copies of these standards are available from the Agency and are exclusive of subsequent amendments or editions.

PARAMETER	METHODOLOGY (unfiltered sample) ¹	EPA ²	SM ¹³	USEC	PREFERENCE (METHOD NOS.) OTHER APPROVED METHODS
Zinc	Atomic absorption; direct aspiration technique	289.1	381-A-41 3111B	RS6E	ASTM ⁴
	Inductively Coupled Plasma ¹⁸	289.2 200.7	3120		--
Chlorinated hydrocarbons-Gas chromatography		589-A			B3686-79 --
Aldrin					
Bifenthrin					
Endrin					
Heptachlor					
Heptachlor-Epoxide					
Lindane					
Methoxychlor					
Toxaphene					
Chlorophenoxys; Gas-Chromatograph		--	569-B	--	B3478-79 --
2,4-D					
2,4,5-TP					
Trihalomethane-Purge-and-trap		--			
Liquid/Liquid-extraction		--			
Gas-chromatography/mass-spectrometry		--			
Corrosivity	Langmuir-Index	--	263	--	
	Aggressive-Index	--			
	Total-filterable-residue	168.1	268-B	--	
	Temperature	212		--	
	Calcium-hardness	215.2	366-E	--	E1126-678
	Alkalinity	318.1	483	--	B1867-788
	pH	158.1	424	--	B1293-78A
Chloride:	potentiometric method	--	4087-C6	--	or-B
	Ion Chromatography	300.0	4296	--	--
Sulfate:	turbidimetric method	375.4	4276	--	D4327
	Ion Chromatography	300.0	4292	--	D4327

1. For approved analytical procedures for metals, the technique applicable to total metals must be used.
2. "Methods of Chemical Analysis of Water and Wastes," U.S. Environmental Protection Agency, Environmental Monitoring and Support Systems Laboratory, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268 (EPA 600/4-79-020), March 1979 1983). Available from ORD Publications, CERL, USEPA, Cincinnati, Ohio 45268. For approved analytical procedures for metals--the technique applicable to total metals must be used.
3. "Standard Methods for the Examination of Water and Wastewater," 14th Edition, American Public Health Association (Washington, D.C. 1976).
4. Annual Book of ASTM Standards, Vols. 11.01 and 11.02, American Society for Testing and Materials, 1991, 1916 Race Street, Philadelphia, Pennsylvania 19103.
5. Techniques of Water-Resources Water Resources Investigation of the United States Geological Survey, Chapter A-1, "Methods of for the Determination of Inorganic Substances in Water and Fluoride Fluvial Sediments," Book 5, 1979, Stock #024-001-03177-9 Third Edition, 1989. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
6. 1982--Annual--Book of ASTM Standards--Part 31--Water--American Society for Testing and Materials--1916--Race--Street--Philadelphia--Pennsylvania--19103.
7. "Automated Electrode Method," Industrial Method-0380-75W27, Technicon Industrial Systems--Tarrytown--New York--February-1976.
8. "Standard Methods for the Examination of Water and Wastewater," 16th Edition, American Public Health Association, Washington, D.C., 1985.
9. "The Determination of Nitrite and Nitrate in Water Using Single Column Ion Chromatography" Method B-1011. Millipore Corporation, Waters Chromatographic Division, 34 Maple Street, Milford, Massachusetts 01754.
10. "Orion Guide to Water and Wastewater Analysis," Form W6W6/5880, pp. 5, 1985. Orion Research, Cambridge, Massachusetts 02129.
11. "Fluoride in Water and Wastewater," Industrial Method 129-71W, Technicon Industrial Systems, Tarrytown, New York 10591, December 1972.
12. "Fluoride in Water and Wastewater," Technicon Industrial Systems, Tarrytown, New York 10591, February 1976.
13. "Methods for the Determination of Inorganic Substances in Water and Fluvial Sediments," Techniques of Water Resources Investigations of the United States Geological Survey Books, Chapter A1, 1985, Open-File Report 85-495. Available from Open-File Services Section, Western Distribution Branch, U.S.

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Geological Survey, MS306 Box 24525, Denver Federal Center,
Denver, Colorado 80225.

g: Automated distillation may be substituted; Samples exceeding the maximum allowable concentration levels contained in 35-111-Adm-Code 604-202 (prior to codification) Table 3 of the Illinois Pollution Control Board Rules and Regulations Chapter 6: Public Water Supply must be done by reference method.

h: Methods for Organochlorine Pesticides and Chlorophenols and Herbicides in Drinking Water and Raw Source Water (1978) Available from ORB Publication GER-7-USEPA Cincinnati Ohio 45268.

i: Gas Chromatographic Methods of Analysis of Organic Substances in Water Techniques of Water Resources Investigation of the United States Geological Survey Chapter A-3 Methods for Analysis of Organic Substances in Water Book 57-1972 Stock #2461-1237 Available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

j: The Analysis of Trichloromethanes in Finished Water by Purge-and-Trap Method 44-Federal Register 60672-60683 (November 29, 1979) Available from U.S. Environmental Protection Agency Environmental Monitoring and Support Laboratory Cincinnati Ohio 45268.

k: The Analysis of Trichloromethanes in Drinking Water by Liquid/Liquid Extraction 44-Federal Register 60683-60689 (November 29, 1979) Available from U.S. Environmental Protection Agency Environmental Monitoring and Support Laboratory Cincinnati Ohio 45268.

l: Measurement of Trichloromethanes in Drinking Water by Gas Chromatography/Mass Spectrometry and Selected Ion Monitoring (1982) U.S. Environmental Protection Agency Environmental Monitoring and Support Laboratory Cincinnati Ohio 45268.

m: AWWA Standard for Asbestos Cement Pipe 4 in. through 24 in. for Water and Other Liquids (1977) AWWA C400-77 Revision of C400-75 AWWA, Denver Colorado.

12. "Conductivity Detection of Anions Using Single Column Chromatography," Method A-1000, Millipore Corporation Waters Chromatography Division, 34 Maple Street, Milford, Massachusetts 01754.

n: All other methods are considered alternative analytical techniques and may be substituted only if approved in accordance with 40-CFR-41.27 (1982).

o: 40-CFR-136 Appendix E Inductively Coupled Plasma Atomic Emission Spectrometric Method for Trace Element Analysis of Water and Wastes Method 200.7 (July 1, 1987).

p: The Determination of Inorganic Anions in Water by Ion Chromatography Method 300-0 (1984) Available from U.S. Environmental Protection Agency Environmental Monitoring and Support Laboratory Cincinnati Ohio 45268.

q: These incorporations do not include any later editions or amendments. 13. "Standard Methods for the Examination of Water and Wastewater," 17th Edition, American Public Health Association (Washington, D.C., 1989).

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14. "Analytical Method for the Determination of Asbestos Fibers in Water," EPA 600/4-83-0433, September 1983, U.S. Environmental Research Laboratory, Athens, Georgia 30613.

15. Samples that contain less than one NTU (nephelometric turbidity unit) and are properly preserved (conc. HNO₃ to pH <2) may be analysed directly (without digestion) for total metals; otherwise, digestion is required. Turbidity must be measured on the preserved samples just prior to the initiation of metal analysis. When digestion is required, the total recoverable technique as defined in the method must be used.

16. For the gaseous hydride determination of antimony and selenium and for the determination of mercury by the cold vapor techniques, the proper digestion technique as defined in the method must be followed to ensure the element is in the proper state for analyses.

17. Add 2 ml of 30% H₂O₂ and an appropriate concentration of matrix modifier Ni(NO₃)₂ + 6 H₂O (nickel nitrate) to samples.

18. "Methods for the Determination of Metals in Environmental Samples," EPA-600/14-91-010, June 1991, Environmental Monitoring Laboratory, 26 West Martin Luther King Drive, Cincinnati OH 45268.

(Source: Amended at 17 Ill. Reg. 12319, effective July 14, 1993)

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Section 183.APPENDIX B Methodology and Required Equipment for Organic Chemical
Analyses of Public Water Supply Samples

PARAMETER	METHODOLOGY	EPA(1)	ASTM(2)	REFERENCE (METHOD NOS.) OTHER APPROVED METHODS(3)
<u>Synthetic Organic</u>				
<u>Chemicals:</u>	<u>Gas chromatography(4)</u>	<u>pp.1-19-</u>	<u>D3086-85</u>	<u>0-3104-83</u>
<u>Aldrin</u>		<u>508(10)</u>		
<u>Chlordane</u>		<u>505(10)</u>		
<u>DDT</u>		<u>525.1(10)</u>		
<u>Dieldrin</u>				
<u>Endrin</u>				
<u>Heptachlor</u>				
<u>Heptachlor Epoxide</u>				
<u>Hexachlorobenzene</u>				
<u>Lindane</u>				
<u>Methoxychlor*</u>				
<u>Toxaphene</u>				
<u>PCBs (as decachlorobiphenyl)</u>		<u>505(10-11)</u> <u>508(10-11)</u> <u>508A(10)</u>		
<u>2,4-D</u>		<u>pp. 20-35</u>	<u>D3478-85</u>	<u>0-3105-83</u>
<u>2,4,5-TP</u>		<u>515.1(10)</u>		
<u>Dalapon</u>				
<u>Dinoseb</u>				
<u>Picloram</u>				
<u>Pentachlorophenol</u>		<u>515.1(10)</u> <u>525.1(10)</u>	--	--
<u>Hexachlorocyclopentadiene</u>		<u>505(10)</u> <u>525.1(10)</u>	--	--
<u>Alachlor</u>		<u>505(10)</u>	--	--
<u>Atrazine</u>		<u>507(10)</u>	--	--
<u>Simazine</u>		<u>525.1(10)</u>	--	--
<u>Di(2-ethylhexyl)adipate</u>		<u>506(13)</u>	--	--
<u>Di(2-ethylhexyl)phthalate</u>		<u>525.1(10)</u>	--	--
<u>Aldicarb</u>		<u>531.1(10)</u>	--	--

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<u>Aldicarb Sulfoxide</u>				
<u>Aldicarb Sulfone</u>				
<u>Carbofuran</u>				
<u>Oxamyl</u>				
<u>Dibromochloropropane</u>		<u>504(10)</u>	--	--
<u>Ethylene dibromide</u>				
<u>Benzo(a)pyrene</u>		<u>525.1(10)</u> <u>550(13)</u> <u>550.1(13)</u>	--	--
<u>Diquat</u>		<u>549(13)</u>	--	--
<u>Endothall</u>		<u>548(13)</u>	--	--
<u>Glyphosate</u>		<u>547(13)</u>	--	--
<u>2,3,7,8 - TCDD</u> <u>(Dioxin)</u>		<u>1613(14)</u>	--	--
<u>Total</u> <u>Trihalomethanes</u>	<u>Purge and trap,</u> <u>gas chromatography</u>	<u>(5)</u>	--	--
	<u>Solvent extraction,</u> <u>gas chromatography</u>	<u>(6)</u>	--	--
	<u>Gas chromatography/</u> <u>mass spectrometry</u>	<u>(7,8)</u>	--	--
<u>Maximum</u> <u>Trihalomethanes</u>	<u>Total trihalomethanes</u> <u>after incubation</u>	<u>(9)</u>	--	--
<u>Volatile Organic</u> <u>Contaminants</u> <u>Regulated</u>	<u>Purge and trap, gas</u> <u>chromatography</u>	<u>502.1(10)</u> <u>502.2(10)</u> <u>503.1(10)</u>	--	--
<u>Benzene</u> <u>Carbon tetra</u> <u>chloride</u> <u>Dichloromethane</u> <u>O-dichlorobenzene</u> <u>P-dichlorobenzene</u> <u>1,2-dichloroethane</u> <u>1,1-dichloroethylene</u> <u>cis-1,2-dichloroethylene</u> <u>trans-1,2-dichloroethylene</u>	<u>Gas chromatography/</u> <u>mass spectrometry</u>	<u>524.1(10)</u> <u>524.2(10)</u>	--	--

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1,2-dichloropropane
Ethylbenzene
Monochlorobenzene
Styrene
Tetrachloroethylene
Toluene
1,2,4-Trichlorobenzene
1,1,1-trichloroethane
1,1,2-Trichloroethane
Trichloroethylene
Vinyl chloride
Xylenes

Volatile Organic
Contaminants

Unregulated(12)

Solvent extraction
Purge and trap,
gas chromatography

504(10)

--

--

Gas chromatography/
mass spectrometry

502.1(10)
502.2(10)
503.1(10)
524.1(10)
524.2(10)

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AGENCY NOTES: The methodology specified in Appendix B of this Part refers to the methods, standards and procedures listed below. Copies of these standards are available from the Agency and are exclusive of subsequent amendments or editions.

1. "Methods for Organochlorine Pesticides and Chlorophenoxy Acid Herbicides in Drinking Water and Raw Source Water," 1978. Available from ORD Publications, CERL, USEPA, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268.
2. Annual Book of ASTM Standards, Volume 11.02, American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.
3. U.S. Geological Survey Techniques of Water - Resources Investigations, Chapter A3, "Methods for the Determination of Organic Substances in Water and Fluvial Sediments," Book 5, 1983. Available from: Open-File Service Section, Western Distribution Branch, Box 25425, Federal Center, Denver, Colorado 80225.
4. These analytes may be extracted using Baker Solid Phase Extraction procedure as referenced in the Nationwide Approval in 53 Fed. Reg. 5142, February 19, 1988.
5. "The Analysis of Trihalomethanes in Finished Waters by the Purge and Trap Method," Method 501.1, 1979, EMSL, USEPA, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268.
6. "The Analysis of Trihalomethanes in Drinking Waters by Liquid/Liquid Extraction," Method 501.2, 1979, EMSL, USEPA, 26

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7. West Martin Luther King Drive, Cincinnati, Ohio 45268. "Measurement of Trihalomethanes in Drinking Water by Gas Chromatography/Mass Spectrometry and Selected Ion Monitoring," Method 501.3, 1987, EMSL, USEPA, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268.
8. "Measurement of Purgeable Organic Compounds in Drinking Water by Gas Chromatography/Mass Spectrometry," Method 524, 1983, EMSL, USEPA, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268.
9. 40 CFR 141.30(e)(2).
10. Methods for the Determination of Organic Compounds in Drinking Water, December, 1988. EMSL, USEPA, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268.
11. Methods 505 and 508 are used as screens only. If detected in 505 or 508, systems must confirm using Method 508a.
12. The complete list of unregulated volatile organic chemicals can be found in 40 CFR 141.40.
13. Methods for the Determination of Organic Compounds in Drinking Water, Supplement 1, July 1990, EMSL, USEPA, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268.
14. Method 1613 (USEPA, 40 CFR, Appendix A to Part 136, Volume 56, November 26, Thursday, February 7, 1991).

(Source: Added at 17 Ill. Reg. 12319, effective July 14, 1993)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories
- 2) Code Citation: 35 Ill. Adm. Code 195
- 3) Section Number: Adopted Action:
Not applicable Not applicable
- 4) Statutory Authority: Implementing and authorized by Section 1401(1)(d) of the Safe Drinking Water Act (42 U.S.C. 300(f)(1)(D)), Subpart C of the National Interim Primary Drinking Water Regulations (40 CFR 141.21 through 141.30 (1991)), Sections 4(o) and 4(p) of the Illinois Environmental Protection Act (111. Rev. Stat. 1991, ch. 111½, pars. 1004(o) and 1004(p)) [415 ILCS 5/4(o) and 5/4(p)] and Sections 55.10 through 55.12 and Section 71(D) of the Civil Administrative Code of Illinois (111. Rev. Stat. 1991, ch. 127, pars. 55.10 through 55.12 and 63b17) [20 ILCS 2310/55.10 through 55.12 and 20 ILCS 2005/71(D)].
- 5) Effective Date of Adopted Amendment: July 14, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these adopted amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: July 14, 1993
- 9) Notice of Proposal Published in the Illinois Register:
August 14, 1992 (16 Ill. Reg. 12756)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Joint Committee on Administrative Rules did not issue an agreement letter for this Part.
- 13) Will these adopted amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Adopted Amendments: This Amendment will introduce laboratory certification and operation procedures for the Department of Nuclear Safety for radiological parameters and changes the education and professional experience requirements of laboratory professionals. This authority has been delegated to the Department from the Illinois Environmental Protection Agency under Sections 4(o) and 4(p) of the Illinois Environmental Protection Act.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Eric Schwing
Deputy Chief Counsel
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9881 (voice)
(217) 785-9900 (TDD)

The full text of the Adopted Amendment is identical to the text submitted by the Illinois Environmental Protection Agency at page 12331 of this issue of the Illinois Register.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedural Requirements for Permitted Landfills
- 2) Code Citation: 35 Ill. Adm. Code 813
- 3) Section Number: Adopted Action:
813.106 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027. [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27].
- 5) Effective Date of Amendments: July 19, 1993
- 6) Does this amendment contain an automatic repeal date?: No
- 7) Does this amendment contain incorporations by reference?
No
- 8) Date Filed in Agency's Principal Office: June 17, 1993
- 9) Notice(s) of Proposal Published in Illinois Register: 16 Ill. Reg. 16920, November 6, 1992.

- 10) Has JCAR issued a Statement of Objections to this amendment?
No

- 11) Difference(s) between proposal and final version: The authority note was updated and citation to the ILCS volumes was added. In addition, 35 Ill. Adm. Code 813.106 was reformatted due to the deletion of subsection (b).

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes

- 13) Will this amendment replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendment: A description of the amendment in Board Docket R92-19 is contained in the Board's June 17, 1993 Final Opinion and Order entitled, "In the Matter of: Amendments to Landfill Regulations: Deletion of 35 Ill. Adm. Code 811.310(d)(1)(F) and 813.106(b). Pursuant to Waste Management of Ill. v. IPCB (1st Dist. 1992). The

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

opinion and order are available from the address below. The opinion explains the reasons for the Board's proposed amendments to existing Parts 811 and 813, all of which appear in this issue.

In summary, the proposed amendment to Part 813 would delete the provision allowing the Illinois Environmental Protection Agency to reconsider its permitting decisions prior to the filing of a petition for review of the Agency's decision with the Board.

- 16) Information and questions regarding this amendment shall be directed to:

Deborah Stonich
100 W. Randolph Street
James R. Thompson Center
Suite 11-500
Chicago, IL 60601
(312) 814-6926

The full text of the adopted amendments begins on the following page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

PART 813

PROCEDURAL REQUIREMENTS FOR PERMITTED LANDFILLS

SUBPART A: GENERAL PROCEDURES

Section

- 813.101 Scope and Applicability
- 813.102 Delivery of Permit Application
- 813.103 Agency Decision Deadlines
- 813.104 Standards for Issuance of a Permit
- 813.105 Standards for Denial of a Permit
- 813.106 Permit Appeals
- 813.107 Permit No Defense
- 813.108 Term of Permit
- 813.109 Transfer of Permits
- 813.110 Adjusted Standards to Engage in Experimental Practices
- 813.111 Agency Review of Contaminant Transport Models

SUBPART B: ADDITIONAL PROCEDURES FOR MODIFICATION AND SIGNIFICANT MODIFICATION OF PERMITS

Section

- 813.201 Initiation of a Modification or Significant Modification
- 813.202 Information Required For a Significant Modification of an Approved Permit
- 813.203 Specific Information Required For a Significant Modification To Obtain Operating Authorization
- 813.204 Procedures For a Significant Modification of an Approved Permit

SUBPART C: ADDITIONAL PROCEDURES FOR THE RENEWAL OF PERMITS

Section

- 813.301 Time of Filing
- 813.302 Effect of Timely Filing
- 813.303 Information Required For a Permit Renewal
- 813.304 Updated Groundwater Impact Assessment
- 813.305 Procedures for Permit Renewal

SUBPART D: ADDITIONAL PROCEDURES FOR INITIATION AND TERMINATION OF TEMPORARY AND PERMANENT CLOSURE AND POSTCLOSURE CARE

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section

- 813.401 Agency Notification Requirements
- 813.402 Certification of Closure
- 813.403 Termination of the Permit

SUBPART E: REPORTS TO BE FILED WITH THE AGENCY

Section

- 813.501 Annual Reports
- 813.502 Quarterly Groundwater Reports
- 813.503 Information to be Retained at or near the Waste Disposal Facility

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 21.1, 22, 22.17 and 28.1, and authorized by Section 27 of the Environmental Protection Act 1027 and 1028.1 (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027) [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.17 and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15814, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12409, effective July 19, 1993.)

NOTE: Capitalization indicates statutory language.

Section 813.106 Permit Appeals

- a) If THE AGENCY REFUSES TO GRANT OR GRANTS WITH CONDITIONS A PERMIT THE APPLICANT MAY, WITHIN 35 DAYS, PETITION FOR A HEARING BEFORE THE BOARD TO CONTEST THE DECISION OF THE AGENCY. (Section 40(a)(1) of the Act) The petition shall be filed, and the proceeding conducted, pursuant to the procedures of Section 40 of the Act and 35 Ill. Adm. Code 105.

- b) ~~Any Agency action to deny a permit or to grant a permit with conditions will not be deemed final for the purposes of appeal if the applicant has requested Agency reconsideration of that action prior to the filing of a petition pursuant to this Section.~~

(Source: Amended at 17 Ill. Reg. 12409, effective July 19, 1993.)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Standards for New Solid Waste Landfills
- 2) Code Citation: 35 Ill. Adm. Code 811
- 3) Section Number: Adopted Action:
811.310 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027. [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27].
- 5) Effective Date of Amendments: July 19, 1993
- 6) Do these amendments contain an automatic repeal date?: No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 17, 1993
- 9) Notice(s) of Proposal Published in Illinois Register: 16 Ill. Reg. 16962, November 6, 1992.

- 10) Has JCAR issued a Statement of Objections to these amendments?: No

- 11) Difference(s) between proposal and final version: The authority note was updated and citation to the ILCS volumes was added. In addition, 35 Ill. Adm. Code 811.310(c)(5) was deleted.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes

- 13) Will these amendments replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: A description of the amendments in Board Docket R92-19 is contained in the Board's June 17, 1993 Final Notice Opinion and Order entitled, "In the Matter of: Amendments to Landfill Regulations: Deletion of 35 Ill. Adm. Code 811.310(d)(1)(F) and 813.106(b). Pursuant to Waste Management of Ill. v. IPCB (1st Dist. 1992). The opinion and order are available

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

from the address below. The opinion explains the reasons for the Board's proposed amendments to existing Parts 811 and 813, all of which appear in this issue.

In summary, the proposed amendments to Part 811 would delete the requirement that new landfills that dispose of putrescible wastes monitor for toxic air compounds.

- 16) Information and questions regarding these amendments shall be directed to:

Deborah Stonich
100 W. Randolph Street
James R. Thompson Center
Suite 11-500
Chicago, IL 60601
(312) 814-6926

The full text of the adopted amendments begins on the following page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 811

STANDARDS FOR NEW SOLID WASTE LANDFILLS

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section	
811.101	Scope and Applicability
811.102	Location Standards
811.103	Surface Water Drainage
811.104	Survey Controls
811.105	Compaction
811.106	Daily Cover
811.107	Operating Standards
811.108	Salvaging
811.109	Boundary Control
811.110	Closure and Written Closure Plan
811.111	Postclosure Maintenance

SUBPART B: INERT WASTE LANDFILLS

Section	
811.201	Scope and Applicability
811.202	Determination of Contaminated Leachate
811.203	Design Period
811.204	Final Cover
811.205	Final Slope and Stabilization
811.206	Leachate Sampling
811.207	Load Checking

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section	
811.301	Scope and Applicability
811.302	Facility Location
811.303	Design Period
811.304	Foundation and Mass Stability Analysis
811.305	Foundation Construction
811.306	Liner Systems
811.307	Leachate Drainage System
811.308	Leachate Collection System
811.309	Leachate Treatment and Disposal Systems
811.310	Landfill Gas Monitoring
811.311	Landfill Gas Management Systems

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Landfill Gas Processing and Disposal Systems

Intermediate Cover

Final Cover System

Hydrogeological Site Investigations

Plugging and Sealing of Drill Holes

Groundwater Impact Assessment

Design, Construction, and Operation of Groundwater

Monitoring Systems

Groundwater Monitoring Programs

Groundwater Quality Standards

Waste Placement

Final Slope and Stabilization

Load Checking Program

SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

Section

811.401 Scope and Applicability

811.402 Notice to Generators and Transporters

811.403 Special Waste Manifests

811.404 Identification Record

811.405 Recordkeeping Requirements

811.406 Procedures for Excluding Regulated Hazardous Wastes

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

Section

811.501 Scope and Applicability

811.502 Duties and Qualifications of Key Personnel

811.503 Inspection Activities

811.504 Sampling Requirements

811.505 Documentation

811.506 Foundations and Subbases

811.507 Compacted Earth Liners

811.508 Geomembranes

811.509 Leachate Collection Systems

SUBPART G: FINANCIAL ASSURANCE

Section

811.700 Scope, Applicability and Definitions

811.701 Upgrading Financial Assurance

811.702 Release of Financial Institution

811.703 Application of Proceeds and Appeals

811.704 Closure and Postclosure Care Cost Estimates

811.705 Revision of Cost Estimate

811.706 Mechanisms for Financial Assurance

811.707 Use of Multiple Financial Mechanisms

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

811.708 Use of a Financial Mechanism for Multiple Sites
 811.709 Trust Fund for Unrelated Sites
 811.710 Trust Fund
 811.711 Surety Bond Guaranteeing Payment
 811.712 Surety Bond Guaranteeing Performance
 811.713 Letter of Credit
 811.714 Closure Insurance
 811.715 Self-Insurance for Non-commercial Sites

811.Appendix A Financial Assurance Forms
 Illustration A Trust Agreement
 Illustration B Certificate of Acknowledgment
 Illustration C Forfeiture Bond
 Illustration D Performance Bond
 Illustration E Irrevocable Standby Letter of Credit
 Illustration F Certificate of Insurance for Closure and/or Postclosure Care
 Illustration G Operator's Bond Without Surety
 Illustration H Operator's Bond With Parent Surety
 Illustration I Letter from Chief Financial Officer

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027) [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993.

NOTE: Capitalization indicates statutory language.

Section 811.310 Landfill Gas Monitoring

- a) This Section applies to all units that dispose putrescible wastes.
- b) Location and Design of Monitoring Wells
 - 1) Gas monitoring devices shall be placed at intervals and elevations within the waste to provide a representative sampling of the composition and buildup of gases within the unit.
 - 2) Gas monitoring devices shall be placed around the unit at locations and elevations capable of detecting migrating gas from the ground surface to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the lowest elevation of the liner system or the top elevation of the groundwater, whichever is higher.

- 3) A predictive gas flow model may be utilized to determine the optimum placement of monitoring points required for making observations and tracing the movement of gas.
- 4) Gas monitoring devices shall be constructed from materials that will not react with or be corroded by the landfill gas.
- 5) Gas monitoring devices shall be designed and constructed to measure pressure and allow collection of a representative sample of gas.
- 6) Gas monitoring devices shall be constructed and maintained to minimize gas leakage.
- 7) The gas monitoring system shall not interfere with the operation of the liner, leachate collection system or delay the construction of the final cover system.
- 8) At least three ambient air monitoring locations shall be chosen and samples shall be taken no higher than 0.025 meter (1 inch) above the ground and 30.49m (100 feet) downwind from the edge of the unit or at the property boundary, whichever is closer to the unit.

c) Monitoring Frequency

- 1) All gas monitoring devices, including the ambient air monitors shall be operated to obtain samples on a monthly basis for the entire operating period and for a minimum of five years after closure.
- 2) After a minimum of five years after closure, monitoring frequency may be reduced to quarterly sampling intervals.
- 3) The sampling frequency may be reduced to yearly sampling intervals upon the installation and operation of a gas collection system equipped with a mechanical device such as a compressor to withdraw gas.

POLLUTION CONTROL BOARD

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- 4) After a minimum of five years or, in the case of landfills, other than those used exclusively for disposing of wastes generated at the site, a minimum of fifteen years after closure, monitoring shall be discontinued if the following conditions have been met for at least one year:

- A) The concentration of methane is less than five percent of the lower explosive limit in air for four consecutive quarters at all monitoring points outside the unit; and
- B) Monitoring points within the unit indicate that methane is no longer being produced in quantities that would result in migration from the unit and exceed the standards of subsection (a) (1).

- 5) ~~The operator shall include in the permit, a list of air toxics to be monitored in accordance with subsection (d). The Agency shall determine the monitoring frequency of the listed compounds based upon their emission rates and ambient levels in the atmosphere.~~

d) Parameters to be Monitored

- 1) All below ground monitoring devices shall be monitored for the following parameters at each sampling interval:

- A) Methane;
- B) Pressure;
- C) Nitrogen;
- D) Oxygen;
- E) Carbon dioxide; and

~~F) Any compound on the list of air toxics, adopted by the Board pursuant to Section 9-5 of the Act, which is expected to be produced in the landfill unit.~~

- 2) Ambient air monitors shall be sampled for methane namely when the average wind velocity is less than

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

8 kilometers (five miles) per hour at a minimum of three downwind locations 30.49 meters (100 feet) from the edge of the unit or the property boundary, whichever is closer to the unit.

- 3) All buildings within a facility shall be monitored for methane by utilizing continuous detection devices located at points where methane might enter the building.

(Source: Amended at 17 Ill. Reg. 12413, effective July 19, 1993)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS1) The Heading of the Part:

Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories

2) Code Citation:

35 Ill. Adm. Code 190

3) Section Numbers:

Adopted Action:

Not Applicable

Not Applicable

4) Statutory Authority:

Implementing Section 1401(d) of the Safe Drinking Water Act (42 U.S.C. 300(f)(1)(D)), Subpart C of the National Interim Primary Drinking Water Regulations (40 CFR 141.21 through 141.30 (1991)), Sections 4(o) and 4(p) of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1991 ch. 111 1/2, par. 1004(o) and 1004(p)) [415 ILCS 5/4(o) and 5/4(p)] and Sections 55.10 through 55.12 and Section 71(D) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 55.10 through 55.12 and 63b17) [20 ILCS 2310/55.10 through 55.12 and 20 ILCS 2005/71(D)].

5) Effective Date of Amendments:

July 14, 1993

6) Does this Rulemaking Contain an Automatic Repeal Date?

No

7) Does this Rulemaking Contain any Incorporations by Reference?

Yes

8) Date Filed in Agency's Principal Office:

July 14, 1993

9) Date Notice of Proposed Amendments was Published in the Illinois Register:

16 Ill. Reg. 12769 - August 14, 1992

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking:

No

If Yes, Date Agency Response Submitted for Approval to JCAR:

Date Statement of Objection was Published in the Illinois Register:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS11) Difference Between Proposal and Final Version:

The text of these joint rules is found at 35 Ill. Adm. Code 183. All differences between the proposed and final versions of these rules are included in the Notice of Adopted Amendments for 35 Ill. Adm. Code 183, which appears in this issue of the Illinois Register.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

All changes agreed upon by the Department and the Joint Committee on Administrative Rules have been made.

13) Will the Amendments Replace an Emergency Rule Currently in Effect?

No

14) Are there any other Amendments Pending on this Part?

No

15) Summary and Purpose of Amendments:

This rulemaking adds laboratory certification and operation procedures governed by the Department of Nuclear Safety for radiological analyses of public water supply samples. The amendments update procedures applicable to the Environmental Protection Agency with respect to the analysis of organic and inorganic chemical parameters of public water supply samples, and the Department of Public Health for analyses of microbiological parameters of public water supply samples. These amendments also revise the education and professional experience requirements for laboratory professionals at laboratories certified pursuant to this Part by the above-mentioned agencies.

16) Information and Questions Regarding this Adopted rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments appears at 35 Ill. Adm. Code 183 on page 12331 in this issue of the Illinois Register.

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3) Section Number: 510.220 Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b) [230 ILCS 5]
- 5) Effective Date of Rule: July 15, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: July 15, 1993
- 9) Notice of Proposal Published in Illinois Register: 17 Ill. Reg. 4155 4/2/93
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version: The source note was corrected to reflect "amended at 14 Ill. Reg. 17636, effective October 16, 1990;".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? Yes, Sections 510.30 and 510.200 - 17 Ill. Reg. 6746, May 7, 1993.
- 15) Summary and purpose of rules: This amendment specifies Section numbers that are applicable to claiming races.

16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER 1: ILLINOIS RACING BOARD
SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 510
CLAIMING RACES

Section	Definition
510.10	Claiming Eligibility
510.20	Form and Deposit of Claim
510.30	Errors which Invalidate Claim
510.40	Refund of Voided Claim
510.50	Prohibited Action with Respect to Claim
510.60	Horses under Lien
510.70	Affidavit May be Required
510.80	Claimant's Responsibility
510.90	Claimed Horse's Certificate
510.100	Engagements of a Claimed Horse
510.110	Protests of a Claim
510.120	Title to a Claimed Horse
510.130	Distribution of the Purse
510.140	Delivery of a Claimed Horse
510.150	Trainer Responsibility for Post-Race Tests
510.160	Excusing Claimed Horse
510.170	Stable Eliminated by Fire or Other Hazard
510.180	Entering Claimed Horse
510.190	Claimed Horse Racing Elsewhere
510.200	Sale of a Claimed Horse
510.210	Illinois Rules Govern Claimed Horse
510.220	Extension of Regular Meeting
510.230	Claiming Authorization
510.240	

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 Ill. Rev. Stat. 1991, ch. 8, par. 37-9 (b) [230 ILCS 5].

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 510.220 Illinois Rules Govern Claimed Horse

When a horse is claimed at a recognized meeting governed by other rules of racing, Illinois shall recognize title to the horse under the rules of the meeting at which the claim was made. However, while racing in Illinois, such a horse shall comply with Sections 510.170 and Rule 610/191/111/Adm/Code Section 510.190. 111/111/Adm/Code/184/508/110/Ad/509/1901

(Source: Amended at 17 Ill. Reg. 12423, effective July 15, 1993)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Jockeys, Apprentices, Jockey Agents, and Valets
- 2) Code Citation: 11 Ill. Adm. Code 1411
- 3) Section Number: 1411.250 Adopted Action: New Section
- 4) Statutory Authority: (Ill. Rev. Stat. 1991, ch. 8, par.. 37-9 (b) [230 ILCS 5])
- 5) Effective Date of Rule: July 15, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: July 15, 1993
- 9) Notice of Proposal Published in Illinois Register: 17 Ill. Reg. 1372 - February 5, 1993.
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version: The original proposal of this rule published 17 Ill. Reg. 1372 was deleted, and the current language was added.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rule allows jockeys with suspensions of 10 days or less, for minor riding violations, to ride in specifically designated races.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBRED)

PART 1411

JOCKEYS, APPRENTICES, JOCKEY AGENTS, AND VALETS

Section

1411.05 Colors Worn by Riders

1411.10 Jockey Fees (Repealed)

1411.20 Paying Fines

1411.30 Jockey Ownership of Horse

1411.40 Under Suspension

1411.50 Betting By Jockey

1411.60 Record of Jockey Betting

1411.65 Interrogation by Stewards

1411.70 Racing Against Employer's Starter

1411.72 Spouses Riding Against Each Other

1411.75 Owner or Trainer As Spouse

1411.78 Racing Against Agent's Horse

1411.80 Priority of Retainers

1411.90 Conflicting Claims on Jockeys

1411.100 Whips, Length and Kind

1411.110 Illegal Whipping

1411.120 Leaving Operating Track

1411.130 Jockey Rules Apply to Apprentices

1411.140 Apprentice Rule

1411.150 Change of Agent

1411.160 Rough or Careless Riding

1411.170 Yearly Examination

1411.180 Examination Because of Illness

1411.190 Jockey's Valet

1411.195 Valet's Fees (Repealed)

1411.200 Record of Jockey Engagements by Agent

1411.210 Falsifying Engagement Records

1411.220 Agent Barred from Paddock and Track

1411.230 Engagements Made Through Agent

1411.240 Safety Helmets

1411.250 Designated Races

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b)) (230 ILCS 5/9(b)).

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); codified at 5 Ill. Reg. 10977; amended at 7 Ill. Reg. 1423, effective January 24, 1983; amended at 17 Ill. Reg. 12426, effective July 15, 1993.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Section 1411.250 Designated Races

a) If a jockey is suspended ten days or less for a riding infraction not involving rough and/or extreme careless riding, said jockey may be permitted at the discretion of the stewards to fulfill engagements in designated stakes races so long as he or she is named on the said horse at the time of entry. The suspension will be extended one day for each date the jockey rides in such a race.

b) For the purpose of this rule, the stewards shall determine and post a list of designated races at the beginning of each meeting. If the stewards do not post such a listing, all stakes races shall be designated.

c) No jockey subject to a suspension is entitled to the privilege extended in subsection (a) above unless, at the time of the suspension, he notifies the stewards of his engagement in a stakes race, designated by the stewards in subsection (b) above.

(Source: Added at 17 Ill. Reg. 12426, effective July 15, 1993.)

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Ownership, Partnership, and Stable Name
2) Code Citation: 11 Ill. Adm. Code 1409

<u>Section Number:</u>	<u>Adopted Action:</u>	<u>Amendment</u>
1409.10		Amendment
1409.20		Amendment
1409.30		Amendment
1409.40		Amendment
1409.50		Amendment
1409.70		Amendment
1409.80		Amendment
1409.110		Amendment
1409.120		Amendment
1409.130		Amendment
1409.135		Amendment
1409.138		Amendment
1409.140		Amendment
1409.150		Amendment
1409.160		Amendment
1409.170		Amendment
1409.180		Amendment
1409.185		Amendment

4) Statutory Authority: (Ill. Rev. Stat. 1991, ch. 8, par. 37-9 (b) [230 ILCS 5])

5) Effective Date of Rule: July 16, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No.

8) Date filed in Agency's Principal Office: July 16, 1993

9) Notice of Proposal Published in Illinois Register: 17 Ill. Reg. 4158 - April 2, 1993.

10) Has JCAR issued a Statement of Objections to these rules? No.

11) Differences between proposal and final version: Minor formatting changes were made throughout this rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other proposed amendments pending in this Part? No

NOTICE OF ADOPTED AMENDMENTS

15) Summary and purpose of rules: This rulemaking establishes lessees and lease agreement requirements in ownership of horses.

16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS REGISTER
ILLINOIS RACING BOARD
NOTICE OF ADOPTED AMENDMENTSTITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)PART 1409
OWNERSHIP, PARTNERSHIP, AND STABLE NAME

Section	Registration of Colors
1409.05	Application for Colors
1409.10	Deviations
1409.20	Register Name of Real Owner and Lessee
1409.30	Owner-Trainer Registrations
1409.40	Change in Ownership
1409.50	False Registration
1409.60	List of Changes
1409.70	Stable Names
1409.80	Registration of Stable Names
1409.90	Trainers' Use of Stable Names
1409.100	Affidavit of Ownership
1409.110	Partnerships
1409.120	Corporations
1409.130	Number of Stockholders (Repealed)
1409.132	File Reports With Board
1409.135	Board May Waive Requirements
1409.138	Change in Officers
1409.140	Entries, Declarations and Winnings
1409.150	Signature by Racing Secretary
1409.160	Consent of Partners
1409.170	Name All Owners
1409.180	Corporation With Stable Name
1409.185	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10973; amended at 13 Ill. Reg. 1841, effective January 27, 1989, amended at 17 Ill. Reg. 12429, effective July 16, 1993.

Section 1409.10 Application for Colors

No owner or lessee shall file an application for colors which are already being used by another owner or lessee or so registered in any state or jurisdiction, except that partners may have the same colors.

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993)

Section 1409.20 Deviations

Any deviation from the recorded colors of the owner or lessee must be approved by the stewards, and posted by the clerk of the scales on the notice board.

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993)

Section 1409.30 Register Name of Real Owner and Lessee

All horses shall be registered in the name of the real owner or owners and lessee or lessees with the racing secretary of the race track operator at which it is intended to race such horses. Before making registration, trainers shall learn the facts of ownership or leasehold interest of all horses registered by said trainer.

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993)

Section 1409.40 Owner-Trainer Registrations

If the registration is made by the trainer, ~~both~~ owner, ~~and~~ trainer and lessee shall be bound by such registration.

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993)

Section 1409.50 Change in Ownership

Any change in ownership of a horse or horses or leasehold or other interest therein shall be immediately made in Registration Book and additional affidavit filed if necessary.

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993)

Section 1409.70 List of Changes

The Registration Clerk shall furnish the stewards and the Board each day, a complete list of any changes in ownership, leasehold interest, or trainer of any horse or horses.

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993)

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 1409.80 Stable Names

- A person wishing to race under a stable name may do so by registering and by paying the fee of \$50, the said registration being effective only during the calendar year.
- A person cannot register more than one stable name at the same time, nor can he use his real name so long as he has a registered one.
- A stable name may be changed at any time by registering a new stable name and paying the fee of \$50.
- A person cannot register as his stable name one which has already been registered by any other person or one which is the real name of any owner or lessee of race horses.

- e) Any person who has registered under a stable name may at any time abandon it after he has given written notice and the fact of the abandonment has been duly advertised.
- f) The stable name must be carried on the official program with the name of at least one owner or lessee. If stable name consists of more than one owner or lessee, the program will list the name of the owner or lessee along with the phrase "et al".

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993.)

Section 1409.110 Affidavit of Ownership

[illegible]

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993.)

Section 1409.120 Partnerships

All partnerships ~~not already~~ must be registered and the name and address of every person having any interest in a horse, the relative proportions of such interests and the terms of any sale with contingencies, lease or other arrangement must be signed by all the parties or by their authorized agents and be lodged with the racing secretary, a copy of which shall be transmitted after the race meeting to the office of the Illinois Racing Board. All the partners and each of them shall be jointly and severally liable for all stakes

and forfeits. All partners of a general partnership shall be licensed as owners. In the case of a limited partnership, all general partners and limited partners owning a 5% or more interest in the limited partnership shall be licensed as owners. These licensure requirements shall apply to all partnerships owning any interest in a horse. All non-licensed partners shall be eligible for licensure. Any non-licensed partner shall submit application materials sufficient for the Board to verify ~~that~~ his status whenever the stewards have determined that it is more probable than not that such person is ineligible for licensure. Such materials shall consist of the name, social security number, fingerprints, and other material required of an applicant for an owner's license. If any non-licensed partner is ineligible for licensure then ~~each of the~~ partners and the partnership shall be ineligible for licensure.

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993)

Section 1409.130 Corporations

All corporations having an interest in a horse shall file with the state/
state at the time of filing application for an owner's license file a
statement in duplicate setting forth the names and addresses of all officers,
directors, and stockholders of said corporation, together with the amount of
the respective holdings of each stockholder and a statement as to whether or
not said stock is paid in full, and including the designation of an authorized
agent or agents of said corporation. The said statement shall be signed by
the president of the corporation, attested to by its secretary, and the
corporate seal attached. A copy of said statement shall be transmitted
promptly to the office of the Illinois Racing Board by the state steward. All
officers, directors and shareholders owning 5% or more of any class of stock
of a corporation shall be licensed as owners. These licensure requirements
shall apply to all corporations owning any interest in a horse. All
non-licensed shareholders shall be eligible for licensure. Any non-licensed
shareholder shall submit application materials sufficient for the Board to
verify that his status whenever the stewards have determined that it is more
probable than not that such person is ineligible for licensure. Such
materials shall consist of the name, social security number, fingerprints, or
other materials required of an applicant for an owner's license. If any
non-licensed shareholder is ineligible for licensure then and each of the
shareholders and the corporation shall be ineligible for licensure.

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993.)

NOTICE OF ADOPTED AMENDMENTS

Section 1409.135 File Reports With Board

Any corporation and all stockholders or members thereof ~~All stockholders of~~
~~members of or of a corporation which leases~~ lease horses for racing purposes in the
State of Illinois ~~and all stockholders or members thereof shall make a file with the~~
Board ~~as and when requested by it~~ upon request a report or reports containing
such information as the Board may specify ~~and~~. Upon refusal or failure to
file such report or reports the Board may refuse a license to any lessee or
lessees of such corporation and/or may revoke any such license which it may
have granted.

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993)

Section 1409.138 Board May Waive Requirements

Any of the above requirements maybe waived by the Board ~~in a specific instance~~

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993)

Section 1409.140 Change in Officers

Any transfer of stock of such corporation or change in the officers or
directors thereof shall be reported in writing to the state Stewards at the
track where the corporation is racing horses within 48 hours of such change.
The state stewards shall immediately transmit such information to the Illinois
Racing Board.

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993)

Section 1409.150 Entries, Declarations and Winnings

All statements of sales and contingencies or arrangements, by partnerships,
or corporations, lessors or lessees shall declare to whom winnings are
payable, in whose name the horse shall run and with whom rests the power of
entry or declaration of forfeit ~~and~~. A copy of this information shall be
transmitted to the Illinois Racing Board.

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993)

Section 1409.160 Signature by Racing Secretary

In cases of emergency, the authority to sign a declaration of partnership may
be given to the racing secretary by a telegram promptly confirmed in writing.

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993)

NOTICE OF ADOPTED AMENDMENTS

Section 1409.170 Consent of Partners

The part owner of any horse cannot assign his share, or any part of it,
without the written consent of the other partners ~~the said consent to~~
shall be filed with the racing secretary.

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993)

Section 1409.180 Name All Owners

If a stable name or nom de course is used, even though printed in the program
with the personal name of the owner or owners, lessors or lessees, or if a
horse is actually owned or leased in whole or in part by any person other than
the registered owner, or any lien or contingent interest in said horse is
~~owned or held~~ by any other person or if the registered owner or owners,
lessors or lessees of any horse has or have borrowed money for the purchase or
lease of said horse in whole or in part, or for the upkeep or maintenance
thereof, an affidavit shall be filed at the time of such registration in
duplicate. One copy shall be retained by the racing secretary of the track
operator and one ~~to~~ shall be filed with the Board, on a printed form to be
furnished by the Board. A registration so made at one track need not be
repeated at succeeding tracks ~~within the~~ in the same racing season unless
required by change in ownership. The racing secretary of the track operator
shall, at the termination of its meeting, immediately forward all affidavits
on file with him to the racing secretary of the succeeding meeting in the area
or state.

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993)

Section 1409.185 Corporation With Stable Name

Nothing herein contained shall excuse a corporation which owns or leases a
horse running under a stable name or nom de course from complying with the
provisions of Sections 1409.120 and 1409.130. ~~Rules 112 and 113 of the Illinois~~
~~Code 1409.120 and 1409.130 therefore~~ ~~and 120 and 120 of this~~
~~section~~

(Source: Amended at 17 Ill. Reg. 12429, effective July 16, 1993)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Violations
- 2) Code Citation: 11 Ill. Adm. Code 1303
- 3) Section Number: 1303.70 Adopted Action: Amendment
- 4) Statutory Authority: (Ill. Rev. Stat. 1991, ch. 8, par.. 37-9 (b) [230 ILCS 5])
- 5) Effective Date of Rule: July 15, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: July 15, 1993
- 9) Notice of Proposal Published in Illinois Register: 17 Ill. Reg. 1728 - February 16, 1993.
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version: In the table of contents, Section 1303.30 was changed to reflect "Attempt at Violation" to match the file version of this rule. The references to "Court" were amended to show a lower case "c". In Section 1303.70(a), line 3, "shall" was changed to "may". In Section 1303.70(c), line 3, "complainant" was changed to "creditor" and "Satisfaction of judgment" was changed to "Satisfaction of Judgment".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking outlines penalties for violations of financial responsibility.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER 1: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNES RACING

PART 1303
VIOLATIONS

Section	Violators
1303.10	Violators
1303.20	Penalties
1303.30	Attempt at Violation
1303.40	Who May Impose Penalties
1303.50	Payment of Fines
1303.60	Unpaid Fines
1303.70	Financial Responsibility

AUTHORITY: Implementing and authorized by Sections 9(b), 9(1) and 15 of the Illinois Horse Racing Act of 1975 [230 ILCS 5/1 et seq.]

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10921; amended at 17 Ill. Reg. 12437, effective July 15, 1993

Section 1303.70 Financial Responsibility

~~Any participant who shall accumulate unpaid obligations or default in obligations or issue drafts or checks that are dishonored or payment refused or otherwise display financial irresponsibility reflecting on his experience character or general fitness shall be subject to refusal suspension or revocation of license.~~

- a) A creditor who alleges an unpaid obligation or default in obligation directly relating to horse racing (e.g., hay vendors, tack shops and veterinarians) may submit to the Board a court judgment describing the same. The stewards shall notify the licensee that a judgment has been filed with the Board and he/she shall have 30 days to satisfy said judgment.
- b) In the event the licensee appeals the court judgment within 30 days, the stewards shall not take any action against the licensee. If after the 30 days the judgment remains unsatisfied and no further court action has been initiated, the stewards shall have the power to suspend the licenses or deny the pending license application.
- c) The creditor shall file a Release (or Satisfaction) of Judgment with the stewards when the obligation has been satisfied. Failure on the part of the creditor to file the Satisfaction of Judgment shall result in a civil penalty, not to exceed \$500.00.

(Source: Amended at 17 Ill. Reg. 12437, effective July 15, 1993)

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

1) The Heading of the Part:

Illinois Trauma Center Code

conformance with the necessary State standards is significant. Utilizing all available means to fund trauma centers is essential to ensure the continuation of these vital facilities. P.A. 87-1229 has established a funding mechanism for trauma centers. The failure to distribute such funds at the earliest opportunity would therefore reasonably constitute a threat to the public health and interest in supporting the continuation of designated trauma centers. Development of the distribution rules was not accomplished in time to do general rulemaking due to the necessity for consultation with the State Treasurer and the complexities of matching the source of the funds (counties) with the required allocation of funds by trauma regions.

2) Code Citation: 77 Ill. Adm. Code 5403) Section Numbers: Emergency Action:

540.220 New Section

4) Statutory Authority:

Emergency Medical Services (EMS) Systems Act
Ill. Rev. Stat. 1991, ch.111 1/2, pars. 5501 et seq.
[210 ILCS 50]
as amended by P.A. 87-1229, effective January 1, 1993

5) Effective Date of Emergency Amendments:

July 7, 1993

6) If this emergency amendment is to expire before the end of the 150 day period, please specify the date on which it is to expire:

N/A

7) Date Filed in Agency's Principal Office:

July 7, 1993

8) Reason for Emergency:

The Department of Public Health has adopted these amendments to implement Public Act 87-1229 (effective January 1, 1993). The legislation created the Trauma Center Fund, in which a portion of fines of \$55 or more collected for certain violations of the Illinois Vehicle Code is deposited and allocated for trauma center grant programs administered by the Departments of Public Aid and Public Health. The Department of Public Health is required to distribute a portion of the funds and to implement an accounting system for the distribution. The collection of moneys for the fund began January 1, 1993, and funds must be distributed based on trauma data that are available at the end of each State fiscal year. The first distribution may therefore be made July 1, 1993, provided the Department has implemented the accounting system required by P.A. 87-1229. Access by trauma patients to the specialized care available in a State-designated trauma center is a paramount public health concern. The cost of operating a trauma center in

9) A Complete Description of the Subjects and Issues Involved:

Section 540.220 is being added to the rules to set forth the distribution formula required by P.A. 87-1229. The Act requires moneys in the fund to be allocated proportionally to each trauma region so that the trauma region receives the moneys collected from within its region for violations of laws or ordinances regulating the movement of traffic. The total amount of funds per trauma region will be based on the moneys received from the counties in that region. At the beginning of each State fiscal year, the Department will calculate a per trauma case allocation for each region, which shall be used to determine each trauma center's share of the funds collected during the previous State fiscal year. Funds will be distributed within 90 days of the next fiscal year. Funds may also be distributed during the fiscal year in which they are collected, based on the number of a trauma center's qualifying trauma cases in the current fiscal year multiplied by its region's per trauma case allocation for the previous fiscal year.

10) Are there any proposed amendments to this Part pending?Yes _____ No X _____If yes:Section NumbersProposed ActionIllinois Register Citation11) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

12) Information and questions regarding this amendment shall be directed to:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT(S)

Name: Gail M. DeVito
 Address: Division of Governmental Affairs
 Illinois Department of Public Health
 535 West Jefferson Street, Fifth Floor
 Springfield, Illinois 62761
 Telephone: (217) 782-6187

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER f: EMERGENCY MEDICAL SERVICES AND HIGHWAY SAFETY

PART 540

ILLINOIS TRAUMA CENTER CODE

Section	Purpose and Applicability
540.10	Definitions
540.20	Incorporated Materials
540.30	Trauma Center Designation Delegation to Local Health Departments
540.35	Trauma Region Designation
540.40	Trauma Center Designation
540.50	Application Process
540.60	Trauma Patient Evaluation
540.65	Level I Trauma Center Designation Criteria
540.70	Level II Trauma Center Designation Criteria
540.80	Trauma Region Plan
540.90	Uniform Reporting Requirements
540.100	Term of Designation
540.110	Renewal of Designation
540.120	Inspections and Investigations
540.130	Denial of Application for Designation or Request for Renewal
540.140	Voluntary Termination of Designation
540.150	Compensatory Provisions and Shortage Areas
540.160	Misrepresentation
540.170	Failure to Develop Protocols
540.180	Confidentiality and Immunity
540.190	Inspection and Revocation of Designation
540.200	Level I Trauma Center Grants
540.210	Level I Trauma Center Fund
540.220	Trauma Center Fund
EMERGENCY	
APPENDIX A	A Request for Designation (RFD) Trauma Center

AUTHORITY: Implementing and authorized by Emergency Medical Services (EMS) Systems Act as amended by P.A. 87-1229, effective January 1, 1993 (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 5501 et seq.) [210 ILCS 50].

SOURCE: Adopted at 11 Ill. Reg. 20153, effective December 1, 1987; amended at 13 Ill. Reg. 15441, effective September 15, 1989; emergency amendment at 14 Ill. Reg. 13856, effective August 13, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 19041, effective December 15, 1990; amended at 15 Ill. Reg. 1084, effective January 15, 1991; amended at 17 Ill. Reg. 8258, effective May 21, 1993; emergency amendment at 17 Ill. Reg. 12439, effective July 7, 1993, for a maximum of 150 days.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

NOTE: Italics and Capitalization denote statutory language.

Section 540.220 Trauma Center Fund
EMERGENCY

a) THE DEPARTMENT SHALL DISTRIBUTE 97.5% OF 50% OF THE MONEYS DEPOSITED INTO THE TRAUMA CENTER FUND, A SPECIAL FUND IN THE STATE TREASURY, TO ILLINOIS HOSPITALS THAT ARE CURRENTLY DESIGNATED AS TRAUMA CENTERS. NO MONEYS MAY BE DISTRIBUTED TO A TRAUMA CENTER LOCATED OUTSIDE OF THE STATE. (Section 14.1 of the Act.)

b) THE MONEYS IN THE FUND SHALL BE ALLOCATED PROPORTIONALLY TO EACH TRAUMA REGION SO THAT THE TRAUMA REGION RECEIVES THE MONEYS COLLECTED FROM WITHIN ITS REGION FOR VIOLATIONS OF LAWS OR ORDINANCES REGULATING THE MOVEMENT OF TRAFFIC. (Section 14.1 of the Act)

1) The total amount of funds per trauma region will be based on the moneys received from the counties in that region.

A) If a county has more than one trauma region, the moneys received from that county shall be divided among the regions based on each region's share of the county's trauma cases.

B) Trauma regions that have developed joint trauma region plans to enable them to function as one region shall be treated as one region in the calculation.

2) At the beginning of each State fiscal year, the Department shall calculate a per trauma case allocation for each region, which shall be used to determine each trauma center's share of the funds collected during the previous State fiscal year.

A) Each trauma region's funds collected during the previous State fiscal year shall be divided by the region's total number of qualifying trauma cases from that year. The resulting number is the per trauma case allocation.

B) Each trauma center's total number of qualifying trauma cases during the previous State fiscal year shall be multiplied by its region's per trauma case allocation, to determine the trauma center's share of the funds collected during that State fiscal year.

3) The Department shall distribute the previous State fiscal year's funds within 90 days of the next fiscal year.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

4) The Department may also distribute funds collected during a current State fiscal year. A trauma center's share would be determined by multiplying the number of its qualifying trauma cases in the current State fiscal year to date by its region's per trauma case allocation for the previous fiscal year.

c) For purposes of this Section, a "qualifying trauma case" means a patient reported to the Illinois Trauma Registry who was either:

1) Admitted to the trauma center with an injury severity score (ISS) of 9 or greater,
or

2) Treated in the trauma center and transferred.

(Source: Emergency rule added at 17 Ill. Reg. 12439, effective July 7, 1993, for a maximum of 150 days)

ILLINOIS REGISTER

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULEMAKING

- 1) Heading of Part: Disaster Relief
- 2) Code Citation: 86 Ill. Adm. Code 1000
- 3) Section Numbers: Emergency Action:
1000.100 New Section
- 4) Statutory Authority: Implementing Section 7 of the Illinois Emergency Management Agency Act [20 ILCS 3305/7] and authorized by Section 39b20 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b20]
- 5) Effective Date of Amendments: July 16, 1993
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed in Agency's Principal Office: July 16, 1993
- 8) Reason for Emergency: The Governor has proclaimed that a disaster exists in such counties and areas of this State as have been designated Major Disaster Counties in Executive Order Number Four issued by the Governor July 16, 1993.

Pursuant to the Governor's declaration, the Illinois Department of Revenue is empowered to implement the authority and powers of the Governor under Section 7 of the Illinois Emergency Management Agency Act. Pursuant to Section 7, the Governor, through the Department, has the power to suspend the provisions of any regulatory statute prescribing procedures for conduct of the Department's business, or the orders, rules and regulations of the Department, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action, including emergency purchases.

Under the Administrative Procedure Act, the Department is authorized to promulgate emergency rules if the agency finds that a situation exists that reasonably constitutes a threat to the public interest, safety or welfare. The Department finds that enforcement of the provisions of the laws administered by the Department may constitute a threat to the public interest, safety or welfare if such enforcement in any way prevents, hinders or delays action necessary to the delivery or other provision of relief to the areas above designated and to the citizens and businesses within said areas, or if enforcement of such provisions would otherwise deprive any person, firm, corporation, political subdivision or

ILLINOIS REGISTER

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULEMAKING

body politic of any rights under the laws administered by the Department.

- 9) A Complete Description of the Subjects and Issues Involved: The rulemaking provides that the Director of the Department of Revenue may issue written administrative orders in order to grant relief from compliance with various filing and reporting requirements under the tax laws administered and enforced by the Illinois Department of Revenue. The rules provide that such relief may be granted to persons who reside within or without the Major Disaster Counties designated by the Governor if such persons are afflicted by the disaster. The rules detail the nature of the relief that may be granted by the Director. The rules detail the standards utilized by the Director in determining when relief will be granted. The rules also define who will qualify as an "afflicted person" eligible for such relief.

- 10) Are there any amendments to this Part pending: No.

- 11) Statement of Statewide Policy Objectives: This rulemaking does not impose a State mandate, nor does it modify any existing mandate.

- 12) Information and questions regarding this amendment shall be directed to:

Michael J. Wynne
General Counsel
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-7054

The full text of the emergency rulemaking begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULEMAKING

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 1000
DISASTER RELIEFSection
1000.100 General Provisions
EMERGENCY

AUTHORITY: Implementing Section 7 of the Illinois Emergency Management Agency Act [20 ILCS 3305/7] and authorized by Section 39b20 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b20]

SOURCE: Emergency rule adopted at 17 Ill. Reg. 12445, effective July 16, 1993, for a maximum of 150 days.

Section 1000.100 General Provisions

a) The Director of the Department of Revenue may, by written administrative order, grant the following relief:

- 1) For persons residing within the Major Disaster Counties who are afflicted by the disaster and who are unable to effect timely compliance with their filing and payment requirements of the Illinois tax laws administered by the Department because of the disaster, the Director may extend the filing deadlines for filing returns and for making payments and may extend the statute of limitations for making claims for refund or credit, or protesting any assessment or claim denial issued by the Department.
- 2) For persons residing outside the Major Disaster Counties and who are afflicted by the disaster because of the presence within the Major Disaster Counties of books and records necessary to their compliance with the filing and payment requirements of the Illinois Tax laws administered by the Department, the Director may extend the filing deadlines for filing returns and for making payments and may extend the statute of limitations for making claims for refund or credit, or protesting any assessment or claim denial issued by the Department.
- 3) For out-of-state vehicles and vehicle operators traveling within Illinois exclusively for the purpose of providing emergency goods and services to and within the areas designated above, the Director may suspend requirements for

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULEMAKING

licensing or permits required by the Illinois Motor Fuel Tax Act.

- b) Any registration required by any Act administered by the Department is not waived by virtue of this Part, except as noted in subsection (a)(3) above.
- c) With respect to locally imposed real estate taxes the Director shall make every effort to advise local governments within the Major Disaster Counties with respect to administration of real estate taxes within their jurisdiction.
- d) The following terms are defined for purposes of this Part as follows:
 - 1) "Person" means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.
 - 2) "Afflict" A person is afflicted by the disaster if such person has incurred physical damage to their residence, place of business, or books and records necessary to compliance with State tax responsibilities or can otherwise establish by affirmative evidence that they are unable to comply with State tax requirements because of the disaster.
 - 3) "Major Disaster Counties" means the counties declared by the Governor to be Major Disaster Counties in Executive Order Number Four, which are the counties of Adams, Alexander, Boone, Calhoun, Carroll, Cook, DuPage, Greene, Hancock, Henderson, Henry, Jackson, Jersey, Jo Daviess, Kane, Lake, Lee, Madison, Massac, McHenry, Mercer, Monroe, Ogle, Pike, Pope, Pulaski, Randolph, Rock Island, St. Clair, Stephenson, Union, Whiteside and Winnebago, and any other counties as may be added by the Governor by any subsequent Executive Order as conditions warrant.

SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

1) The Heading of the Part: The Illinois Library System Act

2) Code Citation: 23 Ill. Adm. Code 3030

3) Section Number: 3030.105
Emergency Action:
Amendment

4) Statutory Authority: Implementing and authorized by the Illinois Library System Act (Ill. Rev. Stat. 1991, ch. 81, pars. 111 et seq.) {75 ILCS 10/1.1 et seq.}

5) Effective Date of Amendment: July 15, 1993

6) If the emergency amendment is to expire before the end of of the end of the 150-day period, please specify the date on which it is to expire: Not applicable

7) Date Filed in Agency's Principal Office: July 15, 1993

8) Reason for Emergency: In Illinois, 28 counties have been declared disaster areas by the state, and 12 of them have been declared disasters by the federal government. In the absence of these emergency amendments, libraries in the affected areas will not be able to submit timely grant applications, thus will not reap the same advantages as other libraries in the state.

9) Complete Description of the Subjects and Issues Involved: The deadline for the public library grant is extended at the discretion of the State Librarian for reasons pertaining to disasters.

10) Are there any proposed amendments to this Part pending? Emergency rules were also filed on June 11, 1993.

11) Statement of Statewide Policy Objectives: These emergency amendments will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Information and questions regarding this Emergency Amendment shall be directed to:

Kathleen L. Bloomberg
Associate Director, Library Development Group
Illinois State Library
300 South Second Street
Springfield, Illinois 62701-1796
Phone: (217) 785-0052

The full text of the Emergency Amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3030

THE ILLINOIS LIBRARY SYSTEMS ACT

Section	
3030.10	Definitions
3030.15	Forms
3030.20	Administration of the Act: Hearings
3030.25	Establishment of Systems
3030.30	Geographic Boundaries
3030.35	Membership in a Library System
3030.40	Contracting Libraries
3030.45	Accessing Resources and Services
3030.50	Service Standards
3030.55	Service to State Institutions
3030.60	Services to the Physically Disabled (Repealed)
3030.65	Plan of Service for a Cooperative or Multitype Library System
3030.70	Plan of Service for a Public Library System
3030.75	Conversion of a Cooperative Public Library System or a Public Library System to a Multitype Library System
3030.80	Liquidation
3030.85	Merger
3030.90	Finances and Records
3030.95	Governing Board
3030.100	Rules
3030.105	State Grants
EMERGENCY	
3030.110	Revocation of Approval
3030.115	Suspension of a Library from Membership
3030.120	Transfer of Membership
3030.125	Withdrawal of Membership
3030.130	Annual System Reports

AUTHORITY: Implementing and authorized by The Illinois Library System Act (Ill. Rev. Stat. 1991, ch. 81, pars. 111 et seq.) [75 ILCS 10/1 et seq.].

SOURCE: Rules and Regulations for Library Systems and State Aid adopted November 8, 1965; rules repealed, new rules adopted and codified at 8 Ill. Reg. 16914, effective September 4, 1984; amended at 13 Ill. Reg. 1244, effective January 13, 1989; amended at 14 Ill. Reg. 20066, effective December 1, 1990; amended at 16 Ill. Reg. 10329, effective June 12, 1992; emergency amendment at 17 Ill. Reg. 9725, effective June 11, 1993 for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 12449, effective July 15, 1993 for a maximum of 150 days.

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

Section 3030.105 State Grants
EMERGENCY

- a) Application for Annual Per Capita and Area Grants shall be made to the State Librarian on or before May 1 of each year and shall consist of the following:
 - 1) An annually updated plan of service.
 - 2) The system's annual report for the preceding fiscal year.
 - 3) The system budget for the current fiscal year, and
 - 4) An estimate of receipts and expenditures for the ensuing fiscal year.
- b) Application for Annual Grants to Systems Providing Services to Residents of State institutions shall be made to the State Librarian on or before May 1 of each year and shall consist of:
 - 1) A budget and a description of services to be offered.
 - 2) A statement from the chief administrative officer of each institution served that the proposed library services are acceptable.
- c) Application for Annual Grants to no more than six Systems Providing Administrative and Support Services to Libraries and Radio Information Services Serving Physically Disabled Individuals shall be made to the State Librarian on or before May 1 of each year and shall consist of a budget and a description of services to be offered. The State Librarian shall be notified of any change in their budget.
- d) To be eligible for a per capita grant, a public library shall show that it will either meet or show progress toward meeting the Illinois Library Standards, as most recently adopted by the Illinois Library Association, by raising or improving its performance levels in relation to the standards, when such levels are below the standards, according to objectives, time frames, and priorities which the library shall state in its application for a grant, and which it shall also state are consistent with the terms of the plan of service of the system of which it is a member. (Section 8.1(1) of the Act)
- e) Application for annual equalization grants and per capita grants to public libraries shall be made prior to July 15 of each year. The application deadline may be extended at the discretion of the State Librarian for public libraries subjected to Acts of God or natural disasters including but not limited to flooding for libraries located in counties which have been legally declared state and/or federal disaster areas. Those affected libraries may receive the extension by writing to the State Librarian setting forth the basis for said extension request by August 15 of the same calendar year. The State Librarian shall grant the extensions for affected libraries, but

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

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- in no event shall the deadline be extended beyond September 1. (Section 8 of the Act)
- f) For a public library to qualify for a per capita grant, it must be a member of a library system and not under suspension. The application shall show that grant funds will be used to meet or make progress in meeting Illinois library standards cited in Subsection (d) above. Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds in accord with Section 8.1 of the Act shall result in ineligibility for future grants for a period of one year.
- g) To qualify for *annual grants to Research and Reference Centers* each center shall contract annually with the State Librarian. (Section 8 of the Act)
- The contract will specify by inclusion:
- 1) The terms for apportionment of the grant funding,
 - 2) Services to be performed, and
 - 3) Adherence to the Research and Reference Center Committee's Rules for making their collections available to the residents of the state and the established *Long Range cooperative Acquisitions Policies to strengthen the existing collections, and to avoid unnecessary duplication.* (Section 12 of the Act)
- h) The Research and Reference Center Committee shall be July 1 of each year file with the State Library for attachment to Research and Reference Center contracts:
- 1) A current copy of the Committee's "Long Range Acquisitions Policy," and
 - 2) A current copy of their "Rules for Accessing Research and Reference Center Collections."
- i) To qualify for an Annual Grant to the Illinois Regional Library for the Blind and Physically Handicapped, the applicant agent shall jointly contract with the Illinois State Library and the Library of Congress National Library Service for the Blind and Physically Handicapped for such purpose. This contract shall be supplemented annually with a contract with the State Library which shall include a long range program and budget in accordance with Section 3030.65 of this Part.
- j) School District Library Grant Program
- 1) Pursuant to Section 8.4 of the Illinois Library System Act (Ill. Rev. Stat. 1991, ch. 81, par. 118.4) [75 ILCS 10/8.4], there is established by these rules the application procedures for school district library grants.
 - 2) The application for annual school grants shall be made between October 1 and prior to December 1 of each year starting in 1990. It shall be signed by the superintendent of schools for the school district. It shall be submitted to the Illinois State Library. It shall consist of:

NOTICE OF EMERGENCY AMENDMENTS

- A) A description and verification of the school board's review, as effected in the minutes of a school board meeting, of the school library standards ("Recommended Standards for Educational Library Media Programs in Illinois, adopted in 1986") as most recently adopted by the Illinois Library Association;
- B) A report on the use of the previous year's grant, if a grant was received, which shall show how said grant was used; to include an evaluation detailing the effect of the program in overall district-wide school library media program improvement and progress towards or compliance with school library media standards;
- C) A statement on the proposed use of the grant for which application is being made which shall show how grant funds will be used to further the purposes in the Act. The grants may not be used for construction of a new library;
- D) The following specific information:
 - i) the official name and complete address of the school district;
 - ii) the name of the library system of which the district is a member or to which it has applied for membership;
 - iii) the name or names and type of attendance unit in which the library or libraries are located;
 - iv) the number of students served by the library or libraries;
 - v) the name of the librarian;
 - vi) the number of hours per week the library is open;
 - vii) the number of hours per week the librarian is available in the library as the librarian and percentage such hours are of the library's total hours worked;
 - viii) the dates of the library's fiscal year, the Illinois legislative district(s) in the library's taxing area, and;
 - xi) the library's federal employers identification number (FEIN).
- E) A statement from the superintendent of the total funds expended for the qualifying library or libraries in the year prior to the year for which funds are applied for, and total funds budgeted for the current school year;
- F) Evidence that the fiscal year's grant funds, if received, were encumbered prior to June 30 of that fiscal year and expended prior to September 1 of the calendar year in which the fiscal ended;
- G) Certification by the director of the library system of which the school district is a member that the intended

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

use of the grant is in keeping with the terms of the system's plan of service. If the school district is not a member of the library system, the system shall provide a statement that the district has applied for system membership and that the intended use of the grant is in keeping with the terms of the system's plan of service; and

H) Subsequent to approval of an application by the Illinois State Library, the Illinois State Board of Education will acknowledge receipt of evidence that the requirements of Section 8.4(4) and 8.4(5) of the Illinois Library System Act have been met.

3) Upon receipt of the application and review of it by the Illinois State Library staff, it will be approved for funding within 90 days after submission of the application if the criteria are met, as set forth in this Section and Section 8.4 of the Illinois Library System Act, and application was completed fully and with accurate information.

(Source: Emergency amendment at 17 Ill. Reg. 12449 effective July 15, 1993 for a maximum of 150 days.)

NOTICE OF MODIFICATION TO MEET THE OBJECTION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Admissions and Credentials
- 2) Code Citation: 11 Ill Adm Code 1428
- 3) Section numbers: .240 Action: Modification
- 4) Notice of Proposed Rules published in the Illinois Register:
3/19/93, 17 Ill Reg. 03593
- 5) JCAR Statement of Objection to Emergency Rules published in the Illinois Register:
7/2/93, 17 Ill Reg. 10011
- 6) Summary of Action Taken by the Agency: The Racing Board is withdrawing sub-section (b) of 1428.240.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 14, 1993 through July 20, 1993, and have been scheduled for review by the Committee at its August 17, 1993 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
8/23/93	Carnival and Amusement Safety Board, Carnival and Amusement Ride Inspection Law (56 Ill Adm Code 6000)	4/2/93 17 Ill Reg 3922	8/17/93
8/27/93	Department of Public Aid, Collections and Recoveries (89 Ill Adm Code 165)	4/30/93 17 Ill Reg 6614	8/17/93
8/27/93	Department of Public Aid, Aid to Families with Dependent Children (89 Ill Adm Code 112)	4/9/93 17 Ill Reg 5436	8/17/93
8/27/93	Department of Conservation, Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting (17 Ill Adm Code 530)	5/21/93 17 Ill Reg 7138	8/17/93
8/27/93	Department of Lottery, Lottery (General) (11 Ill Adm Code 1770)	11/6/92 16 Ill Reg 16738	8/17/93
8/30/93	Board of Trustees of the University of Illinois, Program Content and Guidelines for Division of Specialized Care for Children (89 Ill Adm Code 1200)	5/28/93 17 Ill Reg 7780	8/17/93
8/30/93	Treasurer, Conditions of Employment (80 Ill Adm Code 630)	4/30/93 17 Ill Reg 6632	8/17/93

ILLINOIS REGISTER

NOTICE PURSUANT TO P.A. 87-823

1) Heading of the Part: ACCESS TO INFORMATION2) Code Citation: 2 Ill. Adm. Code 12763) Sections: Authority Note

4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.

5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

<u>Section/ Subsection No.</u>	<u>IAPA Citation Conversions:</u> <u>Existing Cite</u>	<u>New Cite</u>
Authority Note	Sec. 4.01 Par. 1004.01	Sec. 5-15 Par. 1005-15

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

ILLINOIS REGISTER
DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of the Part: LICENSURE OF ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT, INTERVENTION AND RESEARCH PROGRAMS
- 2) Code Citation: 77 Ill. Adm. Code 2058
- 3) Sections: 2058.900
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
2058.900	Par. 1001	Par. 1001-1
	Sec. 10	Sec. 10-25
	Par. 1010	Par. 1010-25
	Sec. 15	Sec. 10-60
	Par. 1015	Par. 1010-60
	Sec. 12	Sec. 10-40
	Par. 1012	Par. 1010-40

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of the Part: RESEARCH
- 2) Code Citation: 77 Ill. Adm. Code 2085
- 3) Sections: 2085.25
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
2085.25	Par. 1001	Par. 1001-1

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of the Part: RULES OF PRACTICE AND PROCEDURE IN ADMINISTRATIVE HEARINGS
- 2) Code Citation: 77 Ill. Adm. Code 2000
- 3) Sections: 2000.210
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
2000.210	Sec. 11 Par. 1011	Sec. 10-35 Par. 1010-35

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

ILLINOIS HEALTH FACILITY AUTHORITY

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Access to Information
- 2) Code Citation: 2 Ill Adm Code 1901
- 3) Sections: Authority Note
1901.110
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
Authority Note	Sec. 4.01 Par. 1004.01	Sec. 5-15 Par. 1005-15
Section 1901.110	Sec. 4.10 Par. 1004.01	Sec. 5-15 Par. 1005-15

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

ILLINOIS HEALTH FACILITY AUTHORITY

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill Adm Code 1900
- 3) Sections: Authority Note
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
Authority Note	Sec. 5.01 Par. 1004.01	Sec. 5-15 Par. 1005-15

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

ILLINOIS HUMAN RIGHTS COMMISSION

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of the Part: Procedural Rules
- 2) Code Citation: 56 Ill Adm Code 5300
- 3) Sections: Authority Note; 5300.760
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.

- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
Authority Note		
5300.760	Sec. 12(c)	Sec. 10-40(c)
5300.760	Par. 1012(c)	Par. 1010-40(c)

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

ILLINOIS HUMAN RIGHTS COMMISSION

NOTICE PURSUANT TO P.A. 87-823

- 1) **Heading of the Part:** Public Information, Rulemaking and Organization

- 2) **Code Citation:** 2 Ill Adm Code 2000

- 3) **Sections:** Authority Note; 2000.110

- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.

- 5) **Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:**

Section/ Subsection No.	IAPA Citation	Conversions:	New Cite
Authority Note	Sec. 4.01	Sec. 5-15	
2000.110	Par. 1001	Par. 1001-1	

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

EXECUTIVE ORDER

93-4

**MAJOR DISASTER COUNTIES/INCOME TAX EXTENSION
/MOTOR FUEL TAX ACT LICENSING OR PERMITS SUSPENDED**

Whereas, many area of Illinois have suffered from heavy rainfall and flooding of a magnitude unparalleled in this Century, causing thousands of residents to lose their homes and many their livelihoods; and whereas the normal functions and regulations of state government should not act as an impediment to these citizens as they recover during the next several weeks and months from the catastrophic flooding that has spread from Illinois' northern border to its most southern points;

Whereas those individuals and businesses who reside in or conduct their affairs in the Upper Mississippi River Basin have been most afflicted by the Great Flood of 1993; the counties most affected within the State of Illinois thus far are Adams, Alexander, Boone, Calhoun, Carroll, Cook, DuPage, Greene, Hancock, Henderson, Henry, Jackson, Jersey, Jo Daviess, Kane, Lake, Lee, Madison, Massac, McHenry, Mercer, Monroe, Ogle, Pike, Pope, Pulaski, Randolph, Rock Island, St. Clair, Stephenson, Union, Whiteside and Winnebago Counties; these counties are hereafter referred to as the Major Disaster Counties; others may be added as conditions warrant;

Whereas, many taxpayers and tax return preparers within these Major Disaster Counties have been rendered incapable of accessing their homes, their offices and their businesses for records; the next due date for filing quarterly sales tax returns with the Illinois Department of Revenue is July 20, 1993; other due dates for filing tax returns, making payments and statutes of limitation dates for making claims for refund or credit or protesting any assessment or claim denial issued by the Department are imminent or have passed; and

Whereas, the Major Disaster Counties continue to be in dire need of emergency goods and services; enforcement of the Illinois Motor Fuel Tax Act may impede or hinder out-of-state vehicles and vehicle operators travelling to and from Illinois exclusively for the purpose of providing emergency goods or services to and within the Major Disaster Counties;

Therefore, pursuant to the power vested in me by Article V., Section 8 of the Illinois Constitution, and Section 7 of the Illinois Emergency Management Agency Act, I, Jim Edgar, hereby order the following:

With respect to Illinois quarterly sales tax returns and payments due July 20, 1993 for taxpayers afflicted by the Great Flood of 1993 in the Major Disaster Counties, the State of Illinois Department of Revenue shall afford to such taxpayers sixty additional days within which to file such returns or payments; with respect to taxpayers afflicted by the Great Flood

of 1993 in the Major Disaster Counties for whom other State of Illinois Department of Revenue due dates fall between June 1, 1993 and August 31, 1993, the Department shall afford such taxpayers sixty additional days in which to file tax returns, make payments and meet statutes of limitation dates for making claims for refund or credit, or protesting any assessment or claim denial issued by the State of Illinois Department of Revenue.

With respect to out-of-state vehicles and vehicle operators travelling to or from Illinois exclusively for the purpose of providing emergency goods or services to and within the Major Disaster Counties, the State of Illinois Department of Revenue shall undertake to assure that requirements for licensing or permits required by the Illinois Motor Fuel Tax Act are suspended for a thirty-day period.

I further order all agencies, boards and commissions under my jurisdiction to consider the need for emergency suspension of other non-life-threatening filing due dates or late filing penalties for individuals or businesses afflicted by the Great Flood of 1993 within the Major Disaster Counties.

This order shall take effect immediately.

Issued by the Governor July 16, 1993.

Filed with the Secretary of State July 16, 1993.

PROCLAMATION

93-194

UNCLAIMED PROPERTY WEEK (Revised)

Whereas, the Illinois Department of Financial Institutions continuously works toward returning unclaimed property to the citizens of Illinois as mandated by the Uniform Disposition of Unclaimed Property Act; and

Whereas, the dedication and persistence of this state agency since inception of the Act has resulted in the collection of more than \$300 million; and

Whereas, our commitment to enforcing the law has resulted in the collection of more than \$80 million in unclaimed property since the beginning of my administration. A record-setting \$37 million of unclaimed property was collected in FY 91, and this amount rose to \$44 million in FY 92; and

Whereas, in FY 92, the Department of Financial Institutions returned to the owners more than \$8 million in unclaimed property--the highest amount ever returned in a single year; and

Whereas, on June 13-19, in recognition of the department's successful efforts, the State of Illinois will sponsor public education programs and a statewide citizen name search;

Therefore, I, Jim Edgar, Governor of the State of Illinois,

proclaim June 13-19, 1993, as UNCLAIMED PROPERTY WEEK in Illinois.

Issued by the Governor May 28, 1993.

Filed with the Secretary of State July 15, 1993.

93-299

DISASTER AREA - CITY OF CHICAGO

The civil disturbances that occurred in previous years as a result of a winning sports team have prompted me to take precautionary actions in order to avert any serious disruptions or disorderly conduct.

In the interest of aiding the City of Chicago and those citizens who may be affected by the adverse actions of a few and in order to minimize the threat to public health, safety and welfare of our citizens, I hereby declare the City of Chicago to be a State of Illinois Disaster Area, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1993 State Bar Edition).

This gubernatorial declaration of disaster will allow the Illinois Emergency Management Agency to pay the expenses associated with the activation of the Illinois National Guard to assist the City of Chicago in the event of any major eruptions of exuberant behavior.

Issued by the Governor June 18, 1993.

Filed with the Secretary of State July 14, 1993.

93-300

DISASTER AREA - GREENE COUNTY

A series of thunderstorms and torrential rains along the lower end of the Illinois River has caused serious flooding and a disruption of public services to homes, businesses, farms, livestock, agricultural levees, roads and other property along the Illinois River in the southwest end.

In the interest of aiding that county affected by the adverse weather and minimizing the threat to public health, safety and welfare of our citizens, I hereby declare Greene County to be a State of Illinois Disaster Area, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1993 State Bar Edition).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other State agencies, and volunteer resources in providing reasonably necessary emergency measures for disaster mitigation in the towns protected by the levees. This declaration will also provide for the reassessment of real and personal property and make possible any

requests for Federal disaster assistance.

Issued by the Governor July 15, 1993.
Filed with the State of Illinois July 15, 1993.

93-301

REVEREND W. N. DANIEL DAY

Whereas, the Reverend W. N. Daniel was educated at Fort Wayne Bible Institute, American Baptist Theological Seminary, and Tennessee State University. He pioneered the way for racial integration at Austin Peay University by being the first African American to be accepted there; and

Whereas, Reverend Daniel entered the ministry at age 25, and his first parsonage was at Macedonia Baptist Church in Garrett, Indiana; and

Whereas, for the past 36 years, he has been pastor of the Antioch Missionary Baptist Church in Chicago. Under his leadership, Antioch has experienced spiritual, numerical, social, and economic growth; and

Whereas, Reverend Daniel is frequently referred to as the seven-days-a-week minister, who is never too busy to respond to the needs of his congregation and their families; and

Whereas, Reverend Daniel serves on the board of directors for several organizations and is president of the Antioch Foundation of Illinois and Indiana; moderator for the North Woodriver Baptist District Association; and treasurer of the National Missionary Baptist Convention of America, Inc.; and

Whereas, through the years, Reverend Daniel has served his church in numerous ways; preaching sermons, doing radio broadcasts, officiating at funerals and weddings, making sick calls, and baptizing babies; and

Whereas, in addition, he has instituted a number of social outreach programs including feeding the hungry, finding homes for the homeless, developing a Christian academy, providing tutorial services, and youth recreational activities, and revitalizing the Englewood section of Chicago through housing rehabilitation and construction;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 14, 1993, as REVEREND W. N. DANIEL DAY in Illinois in recognition of his many years of dedicated service.
Issued by the Governor April 12, 1993.
Filed with the Secretary of State July 15, 1993.

93-302

DAY OF PRAYER

"To pray together, in whatever tongue or ritual, is the most tender brotherhood of hope and sympathy that men can contact in

this life." Madame De Stael, Corrine, Book X

Whereas, the observance of a National Day of Prayer has a long history in the United States, beginning with the Continental Congress in 1775, highlighted by an eloquent proclamation from Abraham Lincoln in 1863, and continuing now in the 40th consecutive observance since 1952; and

Whereas, the National Day of Prayer Task Force considers the event to be a vehicle for advancing moral and spiritual values throughout the land and a means of serving the people;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 6, 1993, as DAY OF PRAYER in Illinois, in conjunction with the national observance.

Issued by the Governor April 13, 1993.

Filed with the Secretary of State July 15, 1993.

93-303

LATER IMPRESSION DAYS

Whereas, the Senior Citizens Art Network (SCAN) was founded in September 1988 to help address the needs and concerns of artists age 60 and over in the Chicago metropolitan area; and

Whereas, part of the network's efforts include promoting the work of older artists. SCAN held its third art exhibit March 15-April 2, 1993, in the State of Illinois Center; and

Whereas, the art exhibit was made possible through financial support from a number of organizations; corporations, and individuals, including the city of Chicago and the Illinois Department on Aging; and

Whereas, WMAQ-TV Channel 5, the city of Chicago, the Chicago Department on Aging, and the Illinois Department on Aging sponsored the event;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 15-April 2, 1993, as Later Impression Days in Illinois in recognition of the talented artists and other individuals who made this event possible.

Issued by the Governor April 13, 1993.

Filed with the Secretary of State July 15, 1993.

93-304

MANUFACTURED HOUSING MONTH

Whereas, housing affordability is a major concern for all citizens of our state; and

Whereas, innovative construction methods, attractive financing, and a desire for quality housing increase the demand for manufactured homes; and

Whereas, manufactured housing offers a safe, attractive, and

affordable avenue to home ownership for many Illinois residents; and

Whereas, the Illinois Manufactured Housing Association strives to focus the attention of our citizens on innovative land planning, product technology, community development, and consumer awareness;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1993 as MANUFACTURED HOUSING MONTH in Illinois and encourage the progress of innovative housing concepts for the benefit and comfort of our citizens.

Issued by the Governor April 13, 1993.
Filed with the Secretary of State July 15, 1993.

93-305
TOMORROW'S LEADERS DAY

Whereas, Public Allies/Chicago is honoring "Tomorrow's Leaders," 100 outstanding young men and women from Chicago whose commitment to community service is making a difference in the lives of their friends, family, and neighbors; and

Whereas, these young leaders serve as role models for people of all ages and signify a renewed interest in community improvement; and

Whereas, Tomorrow's Leaders are a valuable resource to their communities--they help to identify important issues and work to solve the challenges facing Chicago; and

Whereas, Public Allies/Chicago can be viewed as a model service program for our state and our nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 20, 1993, as TOMORROW'S LEADERS DAY in Illinois.

Issued by the Governor April 13, 1993.
Filed with the Secretary of State July 15, 1993.

93-306
PARK LIVINGSTON DAY

Whereas, the Chicago Undergraduate Division of the University of Illinois, precursor of the University of Illinois at Chicago, first lit its own lamp of learning July 13, 1946, at Navy Pier; and

Whereas, Park Livingston was an exemplary lamplighter during that event 45 years ago and has played that role many times since; and

Whereas, Park Livingston has served as president and board member of the University's Board of Trustees for several terms during four decades; and

Whereas, Park Livingston guided the Chicago Undergraduate Division through legal and economic metamorphosis, which led to

the emergence of the comprehensive University of Illinois at Chicago in 1965; and

Whereas, Park Livingston earned academic degrees at the campuses in Chicago-Urbana and Chicago both before and after his election to university governance; and

Whereas, today Park Livingston sees the completion of his vision of 45 years ago in the emergence of a University of Illinois in Chicago campus that offers a true urban mission including affordable tuition for first-rate higher education for thousands. This campus, born at Navy Pier, produces more minority health professionals than any other public university and offers students opportunities in a host of other professions and disciplines;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 10, 1993, as Park Livingston Day in Illinois.

Issued by the Governor June 23, 1993.
Filed with the Secretary of State July 15, 1993.

93-307
CHILDHOOD CANCER AWARENESS WEEK

Whereas, local units of the Candlelighters Childhood Cancer Foundation throughout the nation and world are helping parents and families understand and cope with the knowledge that their child or family member has cancer; and

Whereas, membership in Candlelighters is open to anyone interested in the management and cure of childhood cancer and in the needs of the families who face this experience; and

Whereas, the organization has served as an information clearinghouse, an educational arm, a peer support enabler, and an advocate of the parent/professional groups across the country for more than 20 years; and

Whereas, the Quad City Candlelighters Midwest Regional Conference, founded in part by Illinois organizations, will be held in July in Bettendorf, Iowa;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 12-17, 1993, as CHILDHOOD CANCER AWARENESS WEEK in Illinois and commend members of Candlelighter organizations for their commitment to the educational and emotional needs of parents and families who share this experience.

Issued by the Governor July 6, 1993.
Filed with the Secretary of State July 15, 1993.

93-308
THERAPEUTIC RECREATION WEEK

Whereas, the value of recreation and leisure is sometimes overlooked; and

Whereas, recreational participation enhances health, growth, development, and independence through intrinsically rewarding leisure behavior; and

Whereas, therapeutic recreation specialists throughout Illinois provide services in clinical, community, and recreational facilities for individuals with conditions that limit their participation in everyday functions and leisure activities; and

Whereas, these specialists strive to improve the leisure functioning of people in rehabilitation settings and to provide leisure opportunities for all disabled individuals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 11-17, 1993, as THERAPEUTIC RECREATION WEEK in Illinois.

Issued by the Governor July 6, 1993.

Filed with the Secretary of State July 15, 1993.

93-309

BUD BILLIKEN DAY

Whereas, for 63 years, the annual Chicago Defender Charities' Bud Billiken Parade and Picnic has provided wholesome fun and entertainment within charge to thousands of children; and

Whereas, the Bud Billiken observance gives adults an opportunity to share fun and fellowship with youth; and

Whereas, this year's Bud Billiken Parade marks the 64th year of this noteworthy, neighborly celebration; and

Whereas, the Bud Billiken Parade and Picnic has been one of the most distinguished and outstanding events in the City of Chicago, worthy of the wholehearted support of all citizens;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 14, 1993, as BUD BILLIKEN DAY in Illinois and urge all citizens to participate in the splendid spirit and purpose for which this occasion is designed.

Issued by the Governor July 7, 1993.

Filed with the Secretary of State July 15, 1993.

93-310

ILLINOIS ARCHERY WEEK

Whereas, the International Bowhunters Organizations 1993 World Championship will be held at the Wolf Creek State Park in Shelby County August 8-14; and

Whereas, this is the fourth year for the event and the first that it will be hosted by Illinois; and

Whereas, nearly 3,000 archery enthusiasts from across the United States and several other countries are expected to participate in the 3-D target competition, which is covered

annually on a cable television network; and

Whereas, the world championship event will provide a boost to Central Illinois' tourist trade through its national exposure;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 8-14, 1993, as ILLINOIS ARCHERY WEEK and welcome participants and wish them well in the competitions.

Issued by the Governor July 7, 1993.

Filed with the Secretary of State July 15, 1993.

93-311

KOREAN VETERANS RECOGNITION DAY

Whereas, on June 25, 1950, the communist army of North Korea invaded and attached South Korea, initiating the Korean War, which primarily through the efforts of the United States Armed Forces was brought to end on July 27, 1953; and

Whereas, approximately 5.7 million American servicemen and women unselfishly answered their country's call and served during the Korean War between 1950 and 1953 as the mainstay of the first-ever United Nations peace-keeping force; and

Whereas, those Americans who served in the Korean War fought on the most rugged and torturous mountain terrain, in extreme heat and arctic cold during three winters and four summers; and

Whereas, the deeds of the men who fought in Korea and the doctors and nurses who cared for them there wrote a proud chapter in the annals of heroism; and

Whereas, July 27, 1993, will mark the 40th anniversary of the day the truce was signed, bringing the three-year conflict to an end;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 27, 1993, as KOREAN WAR VETERANS RECOGNITION DAY in Illinois, remembering those Americans who fought for the freedom of the Korean people.

Issued by the Governor July 7, 1993.

Filed with the Secretary of State July 15, 1993.

93-312

KOREA UNIFICATION DAY

Whereas, the conclusion of World War II on August 14, 1945, also ended the occupation of Korea by the Imperial Military Forces of Japan from 1910 to 1945; and

Whereas, to bring about the liberation of the Korean people from the Japanese occupation, Korea was divided by the 38th Parallel. The United States was assigned to rehabilitate Korea south of the 38th Parallel, and the Republic of Soviet Union was to do likewise north of the 38th Parallel; and

Whereas, since, 1945, the division of the Korean people into North Korea and South Korea has caused the continued separation of more than 10 million Korean families; and

Whereas, the Communist North Korean government has denied the many attempts to allow an exchange of communication between Korean families in North and South Korea; and

Whereas, through efforts of the Midwest Korean-American Northerners Federation, the citizens of the Republic of Korea in the South Korea sector and the Korean Community in the State of Illinois, join together each year to observe a day of prayer and meditation for the families residing in North Korea;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 17, 1993, as KOREA UNIFICATION DAY in Illinois.

Issued by the Governor July 7, 1993.
Filed with the Secretary of State July 15, 1993.

93-313

NETWORKING TOGETHER: WOMEN OF COLORS LEADERSHIP DAYS

Whereas, "Networking Together XIV, A Women of Colors Conference," will be held August 18-21, 1993, in Chicago; and

Whereas, the conference, entitled "Rainbow of Colors: Joining Together for Empowerment, Leadership, and Survival," will offer workshops and forums on topics such as multicultural diversity issues, becoming an entrepreneur, how the media impacts our lives, apprenticeship and non-traditional employment, running for office, sexual harassment, women of color in government and politics, and AIDS; and

Whereas, the regional organization of Networking Together Inc. has affiliates in the states of Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin; and

Whereas, the Illinois Majority Women's Caucus is the host for the 1993 conference, where women and men of color will share information; and

Whereas, both the regional and state affiliates dedicate their efforts to African-American, Asian, Hispanic, and Native American women; and

Whereas, the conference recognizes the important role that women play in our society and the importance of their economic development;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 18-21, 1993, as NETWORKING TOGETHER: WOMEN OF COLORS LEADERSHIP DAYS in Illinois.

Issued by the Governor July 7, 1993.
Filed with the Secretary of State July 15, 1993.

93-314

RESPECT LIFE WEEK

Whereas, the Preamble of the Constitution of the United States was designed for the people of this land to "secure the blessings of liberty to ourselves and our posterity"; and

Whereas, the Declaration of Independence states that we are endowed by our creator with certain inalienable rights, including the right to life; and

Whereas, the life of each person is sacred--the young and the old, the healthy and the sick, the gifted and disadvantaged; and

Whereas, the purpose of Respect Life Week is to remind the American people of the dignity of human life;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 3-10, 1993, as RESPECT LIFE WEEK in Illinois.

Issued by the Governor July 7, 1993.

Filed with the Secretary of State July 15, 1993.

93-315

STEPHEN DARIUS AND STANLEY GIRENAS DAY

Whereas, on July 17-18, Lithuanians all around the world will join their countrymen in Lithuania to commemorate the 60th anniversary of the first non-stop transatlantic flight from the United States to Lithuania, which is considered the second longest transatlantic flight in history; and

Whereas, the two aviators, Stephen Darius and Stanley Girenas, made the flight on a plane named "Lituanica," and will be featured in an extensive exhibit opening at the Balzekas Museum of Lithuanian Culture; and

Whereas, in Chicago, the Lithuanian community will celebrate with special religious services, a banquet, a parade, a wreath laying at the Darius-Girenas monument in Marquette Park, and other special events; and

Whereas, a commemorative plaque will be dedicated at Midway Airport in honor of the courageous pilots and their flight; and

Whereas, special guest at the banquet will be Anthony Vaivada, the "Father of Lituanica," a friend of Darius and Girenas who provided moral and financial support for the flight;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 18, 1993, as STEPHEN DARIUS AND STANLEY GIRENAS DAY in Illinois.

Issued by the Governor July 7, 1993.

Filed with the Secretary of State July 15, 1993.

93-316

ARCHAEOLOGY AWARENESS WEEK

Whereas, Illinois' rich archaeological heritage is characterized by a degree of cultural diversity equal to any in North America; and

Whereas, preservation of archaeological sites provides significant educational, cultural, and economic benefits to all citizens; and

Whereas, knowledge and awareness of Illinois' past is essential for the preservation and protection of our state's unique archaeological resources. Many Illinoisans volunteer their time and efforts to preserve and protect those resources; and

Whereas, the Illinois archaeological organizations have joined a partnership with federal and state agencies and private citizens to enhance public awareness of Illinois' rich cultural heritage; and

Whereas, Illinois Archaeology Awareness Week gives our citizens an opportunity to learn more about Illinois Archaeology and the preservation of information about our irreplaceable heritage;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 19-25, 1993, as ARCHAEOLOGY AWARENESS WEEK in Illinois.

Issued by the Governor July 8, 1993.

Filed with the Secretary of State July 15, 1993.

93-317

HOSIERY WEEK

Whereas, the American hosiery industry celebrates its 22nd annual National Hosiery Week in 1993; and

Whereas, the hosiery industry makes a valuable contribution to the economy of Illinois and the rest of the United States; and

Whereas, there are more than 400 hosiery manufacturing plants across America, employing more than 65,000 people; and

Whereas, consumer purchases of hosiery products over 45 percent in 1992;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 9-15, 1993, as HOSIERY WEEK in Illinois in conjunction with the national observance.

Issued by the Governor July 8, 1993.

Filed with the Secretary of State July 15, 1993.

93-318

VOCATIONAL STUDENT ORGANIZATION WEEK

Whereas, the proper education of today's youth is a concern of all Americans; and

Whereas, vocational student organizations are dedicated to the advancement of proper education, training, and development of America's youth; and

Whereas, for the past 16 years, organizations such as the Illinois Coordinating Council for Vocational Student

Organizations (ICCVSO) have advanced the awareness of the importance of vocational student organizations as an integral part of the educational curriculum; and

Whereas, vocational student organizations in Illinois include the Business Professionals of America, Distributive Education Clubs of America (DECA), Future Business Leaders of America (FBLA), Future Homemakers of America/Home Economics Related Occupations (FHA/HERO), Health Occupations Students of America (HOSA), Illinois Association FFA (FFA), Illinois Postsecondary Agricultural Student Organization (PAS), Phi Beta Lambda (PBL), Technology Student Association (TSA), and Vocational Industrial Clubs of America (VICA);

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 3-9, 1993, as VOCATIONAL STUDENT ORGANIZATION WEEK in Illinois in recognition of the contributions made by these organizations to the education of our youth.

Issued by the Governor July 8, 1993.

Filed with the Secretary of State July 15, 1993.

93-319

RICK MCGRAW DAY

Whereas, Rick McGraw began his career with McDonald's 25 years ago as a crew person and today owns and operates 11 McDonald's restaurants across Illinois; and

Whereas, July 11, 1993, marks the 25th anniversary of his service with the McDonald's corporations; and

Whereas, Rick McGraw and his employees, past and present, have contributed their time and service to the community, making a difference now and for the future; and

Whereas, Ray Kroc, founder of McDonald's one said, "Nothing in this world can take the place of persistence," and Rick McGraw has proven this to be true; and

Whereas, Rick McGraw is a strong believer that his charitable endeavors are a just return to the community which has benefitted him through the years;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 11, 1993, as RICK MCGRAW DAY in Illinois in appreciation of his community service and in recognition of his great success in business.

Issued by the Governor July 9, 1993.

Filed with the Secretary of State July 15, 1993.

93-320

PAT CHEFFER DAY

Whereas, Pat Cheffer is host and producer of "Lifestyle," an award-winning, telephone-interactive talk show broadcast live

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three times a week by Continental Cablevision of Cook County; and Whereas, "Lifestyle," now in its eighth season, was honored in 1991 with the coveted ACE (Award for Cable Excellence) Award as the best local cable talk show series in the country, received the Women in Cable Award for the third time in 1992, and has been nominated for a Chicagoland Emmy for three consecutive years; and

Whereas, Pat Cheffer, called "The Oprah Winfrey of Elmhurst" by the Chicago Tribune, welcomes celebrated and credentialled guests to discuss tough, timely, national and local issues, yet she balances thought provoking human issues with fun, lifestyles, informational "how-to" shows, and local and national artisans in performance; and

Whereas, Pat Cheffer brings vital issues to light on a local level and is able to handle the most delicate situations with compassion and tact;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 14, 1993, as PAT CHEFFER DAY in Illinois.

Issued by the Governor July 13, 1993.

Filed with the Secretary of State July 15, 1993.

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ATTORNEY GENERAL

4 Ill. Adm. Code 125

Americans With Disabilities Act Grievance Procedure (P-2283/92; A-1811)

AUDITOR GENERAL

4 Ill. Adm. Code 1125

Americans With Disabilities Act Grievance Procedure (P-4523; A-11435)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

4 Ill. Adm. Code 375

Americans With Disabilities Act Grievance Procedure (A-15976/92; CC-1673)

CAPITAL DEVELOPMENT BOARD

4 Ill. Adm. Code 725

Americans With Disabilities Act Grievance Procedure (A-11432/92; CC-1673)

71 Ill. Adm. Code 500

Asbestos Abatement Authority Act Procedures (P-3917)

CARNIVAL-AMUSEMENT SAFETY BOARD

56 Ill. Adm. Code 6000

Carnival & Amusement Ride Inspection Law (P-3922)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

44 Ill. Adm. Code 5000

Acquisition, Management & Disposal of Real Property (P-11378/92; A-1006)

80 Ill. Adm. Code 303

(P-2105; A-10753) (E-2361)

74 Ill. Adm. Code 900

Conditions of Employment (P-19285/92; A-5587)

80 Ill. Adm. Code 2160

Local Government Health Plan (P-3577; A-11441)

80 Ill. Adm. Code 302

Ment & Fitness (P-17187/92; A-3169)

80 Ill. Adm. Code 310

Pay Plan (P-191; C-672) (P-13679/92; A-238) (PP-498) (P-13179/92; A-590)

80 Ill. Adm. Code 2650

Solicitation for Charitable Payroll Deductions (P-2449)

44 Ill. Adm. Code 1

Standard Procurement (P-12808/92; A-600) (P-3926)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 304

Access to & Eligibility for Child Welfare Services (P-7545/92; A-251)

89 Ill. Adm. Code 336

Appeal of Child Abuse & Neglect Investigation Findings (P-7963/92; A-1026)

89 Ill. Adm. Code 434

Audits, Reviews & Investigations (P-7115)

89 Ill. Adm. Code 330

Child Custody Investigations & Supervision Related to Custodian or Visitation Judgements (P-1259; A-11457)

89 Ill. Adm. Code 377

Facilities & Programs Exempt from Licensure (P-7553/92; A-259)

89 Ill. Adm. Code 354

Facility Amusement Funds (PR-8099)

89 Ill. Adm. Code 407

Licensing Standards for Day Care Centers (P-11955)

89 Ill. Adm. Code 406

Licensing Standards for Day Care Homes (P-11964)

89 Ill. Adm. Code 402

Licensing Standards for Foster Family Homes (P-11707/92; A-267)

89 Ill. Adm. Code 408

Licensing Standards for Group Day Care Homes (P-11976)

89 Ill. Adm. Code 378

Multiple Licensure (PR-7561/92; AR-272)

89 Ill. Adm. Code 356

Rate Setting (P-10679)

89 Ill. Adm. Code 335

Relative Home Placement (P-6681)

89 Ill. Adm. Code 309

Review & Appeal Process (PR-7982/92; AR-1044)

89 Ill. Adm. Code 337

Service Appeal Process (P-7999/92; A-1046)

89 Ill. Adm. Code 302

Services Delivered by the Department (P-7565/92; A-274) (P-2460) (E-2513)

89 Ill. Adm. Code 376

Standards for Department Facilities (PR-8104)

ACTION CODES

P - Proposed Rule

PF - Prohibited Filing Order by JCAR*

PP - Peremptory or Court Ordered Rules

PR - Proposed Repealer

R - Refusal to meet JCAR Objection

RC - Statement of Recommendation

S - Suspension ordered by JCAR

W - Withdrawal to meet JCAR

Objections

*Joint Committee on Administrative Rules

A - Adopted Rule

AR - Adopted Repealer

C - Notice of Corrections

CC - Codification Changes

E - Emergency Rule

ER - Emergency Repealer

M - Modification to meet JCAR objections

O - JCAR Statement of Objections

RQ - Request for Correction

EC - Expedited Corrections

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

ABANDONED MINED LANDS RECLAMATION COUNCIL

4 Ill. Adm. Code 1000 Americans With Disabilities Act Grievance Procedure (A-20092/92; CC-1673)

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240 Community Care Program (P-12251/92; A-224) (P-15203/92; A-6090)

89 Ill. Adm. Code 220 General Programmatic Requirements (P-883; A-8472) (E-1179)

AGRICULTURE, DEPARTMENT OF

4 Ill. Adm. Code 550 Americans With Disabilities Act Grievance Procedure (A-11744/92; CC-1673)

8 Ill. Adm. Code 65 Egg & Egg Products Act (P-527; A-6749)

8 Ill. Adm. Code 700 Farm Preservation Act (P-9781)

8 Ill. Adm. Code 115 Ill. Pseudorabies Control Act (E-5906) (P-6373)

8 Ill. Adm. Code 256 Lawncare Wash Water & Rinsate Collection (P-14975/92; A-2189)

8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-2063)

8 Ill. Adm. Code 290 Standardbred & Thoroughbred Horse Breeding & Racing Programs, Ill. (P-8347)

8 Ill. Adm. Code 750 Sustainable Agriculture (P-1251; A-6965)

8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (E-5910) (P-6377)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

4 Ill. Adm. Code 500 Americans With Disabilities Act Grievance Procedure (A-11426/92; CC-1673)

77 Ill. Adm. Code 2090 Subacute Alcoholism & Substance Abuse Treatment Services (P-8599)

77 Ill. Adm. Code 2080 Triplicate Prescription Control Program (P-11367/92; O-16691/92; M-11872; A-11424)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF
4 Ill. Adm. Code 575 Americans With Disabilities Act Grievance Procedure (A-14621/92; CC-1673)
47 Ill. Adm. Code 125 Emergency Community Services Homeless Grant Program (P-18879/92; A-6180)
14 Ill. Adm. Code 520 Enterprise Zone Program (P-13691/92; A-1837) (P-9791)
47 Ill. Adm. Code 100 Low Income Home Energy Assistance Program (P-16707/92 A-3836)
56 Ill. Adm. Code 2600 Service Delivery System & State Responsibilities (P-7120/92; A-6483)
1 Ill. Adm. Code 300 Small Business Impact Analysis Procedures (P-11391/92; A-1511)
47 Ill. Adm. Code 130 State Administration of the Ill. Neighborhood Corps Program (PR-1; A-7212)
83 Ill. Adm. Code 745 Tariff Filings (P-10513/92; A-10258)

COMMERCE COMMISSION, ILLINOIS
92 Ill. Adm. Code 1376 Accounting & Financial Record Requirements (P-8630)
4 Ill. Adm. Code 400 Americans With Disabilities Act Grievance Procedure (A-12439/92; CC-1673)
83 Ill. Adm. Code 305 Construction of Electric Power & Communication Lines (P-2462)
92 Ill. Adm. Code 756 Dual Party Relay Service (P-14004/92; A-1848)
92 Ill. Adm. Code 1360 Equipment Leases (P-1685)
83 Ill. Adm. Code 792 Imputation (P-11988)
83 Ill. Adm. Code 590 Minimum Safety Standards for Transportation of Gas & For Gas Pipeline Facilities (P-2466; A-12291)

Notice Requirements for Change in Rates for Cooling, Electric, Gas, Heating, Telecommunications, Sewer or Water Services (P-13703/92; A-798)
Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies & Electric & Telephone Public Utilities (P-202)
Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (P-12810/92; A-805) (P-6382)
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4 Ill. Adm. Code 1050 Americans With Disabilities Act Grievance Procedure (P-17399/92; A-4185)
2 Ill. Adm. Code 5176 Public Access to Information (CC-6903)
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47 Ill. Adm. Code 700 By-Laws (P-4530)

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4 Ill. Adm. Code 775 Americans with Disabilities Act Grievance Procedure (P-13710/92; A-6499)
74 Ill. Adm. Code 330 Joint Rules of the Comptroller & the Dept. of Central Management Services; Prompt Payment (P-10686) (E-11170)

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17 Ill. Adm. Code 530 Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit & Crow Hunting (P-7138)
17 Ill. Adm. Code 830 Commercial Fishing & Musseling in Certain Waters of the State (P-17405/92; A-3177)
17 Ill. Adm. Code 950 Dog Training on Department-Owned or -Managed Sites (P-6390)
17 Ill. Adm. Code 730 Dove Hunting (P-4539; A-10761)
17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (E-1658) (4554)
17 Ill. Adm. Code 1536 Forestry Development Cost-Share Program (P-8107)
17 Ill. Adm. Code 510 General Hunting & Trapping on Department-Owned or -Managed Sites (P-4601; A-10775)
17 Ill. Adm. Code 1050 Ill. List of Endangered & Threatened Flora (P-4608; A-10781)
17 Ill. Adm. Code 4000 Management of Nature Preserves (P-12005)
17 Ill. Adm. Code 570 Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping (P-4611; A-10785) (P-12038)
17 Ill. Adm. Code 220 North Point Marina (P-19993/92; A-6760)
17 Ill. Adm. Code 1070 Possession of Specimens or Products of Endangered or Threatened Species (P-12041)
17 Ill. Adm. Code 550 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote & Woodchuck (Groundhog) Hunting (P-4622; A-10795)
17 Ill. Adm. Code 810 Sport Fishing Regulations for the Waters of Ill. (P-17414/92; A-3853; E-5915) (P-4636; A-10806)
17 Ill. Adm. Code 690 Squirrel Hunting (P-4672; A-10842)
17 Ill. Adm. Code 720 Taking of Wild Turkeys-Fall Archery Season, The (P-15260/92; A-281) (P-4680; A-10850)
17 Ill. Adm. Code 715 Taking of Wild Turkeys-Fall Gun Season (P-4689; A-10858)
17 Ill. Adm. Code 710 Taking of Wild Turkeys-Spring Season, The (P-18181/92; A-3184)
17 Ill. Adm. Code 670 White-Tailed Deer Hunting by Use of Bow and Arrow (P-15265/92; A-286) (P-4698)
17 Ill. Adm. Code 650 White-Tailed Deer Hunting by Use of Firearms (P-4718)
17 Ill. Adm. Code 680 White-Tailed Deer Hunting by Use of Handguns (P-12055)
17 Ill. Adm. Code 660 White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles (P-4742; A-10865)
17 Ill. Adm. Code 740 Woodchuck, Snipe, Rail & Teal Hunting (P-4757; A-10877)

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20 Ill. Adm. Code 440 Advocacy Services (PR-16371/92; AR-1519)
4 Ill. Adm. Code 475 American With Disabilities Act Grievance Procedure (A-10423/92; CC-1673)
20 Ill. Adm. Code 525 Rights & Privileges (PP-1666; RQ-9150; C-10013; EC-11903) (PP-8069)
20 Ill. Adm. Code 502 Safety, Maintenance & Sanitation (P-6394)
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14 Ill. Adm. Code 1230 Employee Ownership Assistance Program (P-9222/92; A-1859)

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23 Ill. Adm. Code 2310 Functions & Planning Program (P-1691; A-9680)

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4 Ill. Adm. Code 900 Americans With Disabilities Act Grievance Procedure (P-9273/92; A-9887)

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23 Ill. Adm. Code 210 Learning Assessment & School Improvement Plans (PR-10061)
23 Ill. Adm. Code 451 Private Business & Vocational Schools (P-12062)
23 Ill. Adm. Code 1 Public Schools Evaluation, Recognition & Supervision (P-8684/92; A-18010/92; EC-3553) (P-10079)
23 Ill. Adm. Code 228 Transitional Bilingual Education (P-9253/92; A-104)
23 Ill. Adm. Code 245 Urban Education Partnership Program (P-10131)

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4 Ill. Adm. Code 1025 Americans With Disabilities Act Grievance Procedure (P-13188/92; A-8802)
56 Ill. Adm. Code 2865 Claimant's Availability For Work, Ability To Work & Active Search For Work (P-6907)
56 Ill. Adm. Code 2840 Claimant's Reason For Separation From Work (P-886; A-10270) (P-8403)
56 Ill. Adm. Code 2720 Claims, Adjudication, Appeals & Hearings (P-6919)
56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-15625/92; A-295)
56 Ill. Adm. Code 2732 Employment (P-211; A-8809) (P-5985)
56 Ill. Adm. Code 2712 General Application (P-17853/92; A-3194)
56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-12006/92; A-308) (P-15638/92; A-614) (P-2523; A-10275)

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4 Ill. Adm. Code 925 Americans With Disabilities Act Grievance Procedure (P-10534/92; A-8162)
35 Ill. Adm. Code 254 Annual Emissions Report (P-17195/92; A-7782)
35 Ill. Adm. Code 183 Joint Rules of the Ill. Environmental Protection Agency, the Ill. Department of Public Health & the Ill. Department of Nuclear Safety: Certification & Operation of Environmental Laboratories (P-12659/92; A-12319)
32 Ill. Adm. Code 332 Licensing Requirements for Source Material Milling Facilities (P-10701)
35 Ill. Adm. Code 320 Permit Fees for Installing or Extending Sewers (P-2469; A-11461)
35 Ill. Adm. Code 858 Procedures for Operation of the Non-Hazardous Solid Waste Fee System (P-4621/92; A-4190)
35 Ill. Adm. Code 876 Processing of Claims for Payment from the Underground Storage Tank Fund (E-1619/92; O-18856/92; RC-18857/92; M-2438)

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35 Ill. Adm. Code 252 Public Participation in the Air Pollution Control Permit Program (P-18139/92; A-9684)
35 Ill. Adm. Code 253 Public Participation in the Air Pollution Permit Program (P-18139/92; A-9698)

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8 Ill. Adm. Code 1400 Ill. Farm Development Authority (P-8297/92; A-3618) (P-3956)

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38 Ill. Adm. Code 190 Ill. Credit Union Act (P-6599)
38 Ill. Adm. Code 130 Schedules of Maximum Rates to be Charged for Check Cashing & Writing of Money Orders by Community & Ambulatory Currency Exchanges (P-6929)
38 Ill. Adm. Code 180 Uniform Disposition of Unclaimed Property Act (P-14006/92; A-123) (P-5990; A-9893) (E-6321)

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4 Ill. Adm. Code 200 Americans With Disabilities Act Grievance Procedure (P-1954/92; A-2200)
41 Ill. Adm. Code 280 Fire Equipment Administrative Procedures (P-15665/92; A-7214)
41 Ill. Adm. Code 100 Fire Prevention & Safety (P-15681/92; PF-8083; W-10010)
41 Ill. Adm. Code 140 Policy & Procedures Manual for Fire Protection Personnel (P-14017/92; W-9752) (E-11181)
41 Ill. Adm. Code 170 Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (E-1186)

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86 Ill. Adm. Code 3000 Riverboat Gambling (P-51/92; A-11510)

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77 Ill. Adm. Code 2540 Penalties (P-18915/92; A-9713)
77 Ill. Adm. Code 2510 Special Studies & Analyses (P-1695; A-9896)

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77 Ill. Adm. Code 3000 Hearing Aid Protection Continuing Education Requirements (P-13463/92; A-8817)

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4 Ill. Adm. Code 700 Americans with Disabilities Act Grievance Procedure (P-15684/92; A-6507)
47 Ill. Adm. Code 370 National Affordable Housing Act (HOME) Program (P-11713/92; A-319)

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56 Ill. Adm. Code 2520 Procedural (P-10)

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4 Ill. Adm. Code 225 Americans With Disabilities Grievance Procedure (P-7749/92; A-2945)
50 Ill. Adm. Code 7020 Pre-Arbitration (P-14511/92; A-2206)

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50 Ill. Adm. Code 1408 Actuarial Opinion & Memorandum (P-8735/92; A-4195)
50 Ill. Adm. Code 920 Actuarial Qualification (PR-2530)
50 Ill. Adm. Code 927 Anticipated Salvage & Subrogation Recoverable (P-2106)
50 Ill. Adm. Code 932 Automobile Anti-Theft Mechanisms (P-7279/92; O-1240; M-6893; A-6768)
50 Ill. Adm. Code 1250 Corrective Orders (P-3985)
50 Ill. Adm. Code 805 Financial Futures Contracts (P-42; A-6775) (E-154)
50 Ill. Adm. Code 2013 Group Coverage Discontinuance & Replacement (P-10375/92; A-1525)
50 Ill. Adm. Code 2015 Infertility Coverage (P-696; A-8170)
50 Ill. Adm. Code 904 Internal Security Standard & Fidelity Bona (P-3993)
50 Ill. Adm. Code 1103 Life Reinsurance Agreements (P-8411)
50 Ill. Adm. Code 2012 Long-Term Care Insurance (P-11279)
50 Ill. Adm. Code 939 Medical Liability Insurance Loss Reports (P-4768)
50 Ill. Adm. Code 2008 Minimum Standards for Individual & Group Medicare Supplement Insurance (P-18917/92; A-11469)
50 Ill. Adm. Code 802 Purchasing & Selling Call & Put Options Contracts (P-44; A-6783) (E-163)
50 Ill. Adm. Code 916 Required Procedure for Filing & Securing Approval of Life Insurance, Annuity, & Accident & Health Insurance Policy Forms; (P-5992)

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1 Ill. Adm. Code 260 Complaint Review (CC-5960)
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1 Ill. Adm. Code 210 General Policies (CC-5965)
1 Ill. Adm. Code 230 Review of Emergency Rulemaking (CC-5967)
1 Ill. Adm. Code 240 Review of Peremptory Rulemaking (CC-5969)
1 Ill. Adm. Code 220 Review of Proposed Rulemaking (CC-5971)

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56 Ill. Adm. Code 350 Health & Safety (P-3780/92; O-180; R-1239; A-1074) (E-7072)

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80 Ill. Adm. Code 1200 General Procedures (P-3703)
80 Ill. Adm. Code 1230 Impasse Resolution (P-3718)
80 Ill. Adm. Code 1210 Representation Proceedings (P-3734)
80 Ill. Adm. Code 1220 Unfair Labor Practice Proceedings (P-3755)

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11 Ill. Adm. Code 1770 Lottery (General) (P-16738/92; C-8074)

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59 Ill. Adm. Code 101 Administration (P-10688)
59 Ill. Adm. Code 122 Certification Under Medicaid Rehabilitation Option for Early Intervention Programs (P-15691/92; RC-3688; A-4236)
59 Ill. Adm. Code 121 Early Intervention Program (P-15715/92; RC-3689; A-4261)
59 Ill. Adm. Code 103 Grants (P-14078/92; A-10282)
59 Ill. Adm. Code 119 Minimum Standards for Certification of Developmental Training Programs (P-6397)

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62 Ill. Adm. Code 1847 Administrative & Judicial Review (P-10596/92; A-10887)
62 Ill. Adm. Code 1775 Administrative & Judicial Review of Decisions (PR-10590/92; AR-10907)
62 Ill. Adm. Code 1761 Areas Designated by Act of Congress (P-10596/92; A-10909)
62 Ill. Adm. Code 1800 Bonding & Insurance Requirements for Surface Coal Mining & Reclamation Operations (P-10607/92; A-10916)
62 Ill. Adm. Code 1845 Civil Penalties (P-10619/92; A-10926)
62 Ill. Adm. Code 1702 Exemption for Coal Extraction Incidental to the Extraction of Other Minerals (P-10631/92; A-10936)
62 Ill. Adm. Code 1777 General Content Requirements for Permit Applications (P-10640/92; A-10943)
62 Ill. Adm. Code 1701 General Definitions (P-10644/92; A-10947)
62 Ill. Adm. Code 1848 General Rules Relating to Procedure & Practice (P-10669/92; A-10973)
62 Ill. Adm. Code 240 III. Oil & Gas Act, The (E-1195) (P-13722/92; A-2217) (P-3771)
62 Ill. Adm. Code 1846 Individual Civil Penalties (P-10691/92; A-10997)
62 Ill. Adm. Code 1816 Permanent Program Performance Standards--Surface Mining Activities (P-10695/92; A-11001)
62 Ill. Adm. Code 1817 Permanent Program Performance Standards--Underground Mining Operations (P-10726/92; A-11031)

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44 Ill. Adm. Code 610 Plugging & Restoration Contracts (P-1697; A-8176)
62 Ill. Adm. Code 1772 Requirements for Coal Exploration (P-10762/92; A-11058)
62 Ill. Adm. Code 1773 Requirements for Permits & Permit Processing (P-10768/92; A-11063)
62 Ill. Adm. Code 1785 Requirements for Permits for Special Categories of Mining (P-10784/92; A-11075)

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- 62 Ill. Adm. Code 1783 Underground Mining Permit Applications--Minimum Requirements for Information on Environmental Resources (P-10849/92; A-11131)
62 Ill. Adm. Code 1784 Underground Mining Permit Applications--Minimum Requirements for Reclamation & Operation Plan (P-10853/92; A-11135)

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- 32 Ill. Adm. Code 333 Fees for Calibration Services (P-9797)
32 Ill. Adm. Code 310 General Provisions (P-3787)
32 Ill. Adm. Code 195 Joint Rules of the Ill. Environmental Protection Agency, the Ill. Department of Public Health & the Ill. Department of Nuclear Safety: Certification & Operation of Environmental Laboratories (P-12756/92; A-12407)
32 Ill. Adm. Code 332 Licensing Requirements for Source Material Milling Facilities (P-10701)
32 Ill. Adm. Code 400 Notices, Instructions & Reports to Workers; Inspections (P-8655)
32 Ill. Adm. Code 390 Particle Accelerators (P-8666)
32 Ill. Adm. Code 351 Radiation Safety Requirements for Wireline Service Operations & Subsurface Tracer Studies (P-8674)
32 Ill. Adm. Code 320 Registration of Radioactive Materials, Radiation Machine, & Radiation Installations (P-8693)
32 Ill. Adm. Code 340 Standards for Protection Against Radiation (PR-3997) (P-4070)
32 Ill. Adm. Code 335 Use of Radionuclides in the Healing Arts (E-9099)

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- 4 Ill. Adm. Code 800 Americans With Disabilities Act Grievance Procedure (P-11988/92; A-11143)
59 Ill. Adm. Code 400 Grants (P-11996/92; A-11151)

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- 35 Ill. Adm. Code 1421 Activity Standards (P-19615/92; A-10392)
35 Ill. Adm. Code 211 Definitions & General Provisions (P-4782)
35 Ill. Adm. Code 1422 Design & Operation of Facilities (P-20002/92; O-8084; M-10007; A-9911)
35 Ill. Adm. Code 615 Existing Activities In A Setback Zone or Regulated Recharge Area (P-16465/92; A-1871)
35 Ill. Adm. Code 604 Finished Water & Raw Water Quality & Quantity (PR-7621)
35 Ill. Adm. Code 1420 General Provisions (P-19625/92; A-9947)
35 Ill. Adm. Code 738 Hazardous Waste Injection Restrictions (P-16770/92; A-6190) (P-8423)
35 Ill. Adm. Code 720 Hazardous Waste Management System (P-16776/92; A-5625) (P-9170)
35 Ill. Adm. Code 721 Identification & Listing of Hazardous Waste (P-16801/92; A-5650) (P-9193)
35 Ill. Adm. Code 725 Interim Status Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-16831/92; A-5681) (P-9245)
35 Ill. Adm. Code 728 Land Disposal Restrictions (P-16878/92; A-5727) (P-9317)
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35 Ill. Adm. Code 616 New Activities In A Setback Zone or Regulated Recharge Area (P-16473/92; A-1878)
35 Ill. Adm. Code 218 Organic Material Emission Standards & Limitations for the Chicago Area (P-4905; C-6520)

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- 35 Ill. Adm. Code 219 Organic Material Emission Standards & Limitations for the Metro East Area (P-5169; C-6539) (E-8295)
35 Ill. Adm. Code 611 Primary Drinking Water Standards (P-2533; A-7796) (P-7629)
35 Ill. Adm. Code 813 Procedural Requirements for Permitted Landfills (P-16920/92; A-12409)
35 Ill. Adm. Code 702 RCRA & UIC Permit Programs (P-16924/92; A-5769)
35 Ill. Adm. Code 703 RCRA Permit Program (P-16930/92; A-5774) (P-9417)
35 Ill. Adm. Code 605 Sampling & Monitoring (P-2682; A-7943) (P-7738)
35 Ill. Adm. Code 307 Sewer Discharge Criteria (P-9803)
35 Ill. Adm. Code 810 Solid Waste Disposal: General Provisions (P-8702)
35 Ill. Adm. Code 722 Standards Applicable to Generators of Hazardous Waste (P-9445)
35 Ill. Adm. Code 814 Standards for Existing Landfills & Units (P-8714)
35 Ill. Adm. Code 811 Standards for New Solid Waste Landfills (P-8726) (P-16921/92; A-12413)
35 Ill. Adm. Code 724 Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-16970/92; A-5806) (P-9453)
35 Ill. Adm. Code 726 Standards for the Management of Specific Hazardous Waste & Specific Types of Hazardous Waste Management Facilities (P-17028/92; A-5865) (P-9528)
35 Ill. Adm. Code 739 Standards for the Management of Used Oil (P-9588)
35 Ill. Adm. Code 730 Underground Injection Control Operating Requirements (P-8428)

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- 4 Ill. Adm. Code 275 Americans With Disabilities Act Grievance Procedure (A-7003/92; CC-1673)
68 Ill. Adm. Code 1470 Clinical Social Work & Social Work Practice Act (P-8435)
68 Ill. Adm. Code 1210 Collection Agency Act (P-16374/92; A-1535)
68 Ill. Adm. Code 1250 Funeral Directors & Embalmers Act (P-11315)
68 Ill. Adm. Code 1150 Ill. Architecture Practice Act of 1989 (P-17042/92; A-1554) (P-11337)
68 Ill. Adm. Code 1220 Ill. Dental Practice Act (P-15762/92; A-1559) (P-1708) (E-8309)
68 Ill. Adm. Code 1300 Ill. Nursing Act of 1987 (P-16484/92; A-1572)
68 Ill. Adm. Code 1340 Ill. Physical Therapy Act (P-8444)
68 Ill. Adm. Code 1465 Ill. Speech-Language Pathology & Audiology Practice Act, The (P-890)
68 Ill. Adm. Code 1285 Medical Practice Act of 1987 (P-9624)
68 Ill. Adm. Code 1310 Nursing Home Administrators Licensing & Disciplinary Act (P-8139)
68 Ill. Adm. Code 1320 Optometric Practice Act of 1987 (P-6729)
68 Ill. Adm. Code 1240 Private Detective, Private Alarm & Private Security Act of 1983 (P-15775/92; A-1579)
68 Ill. Adm. Code 1430 Public Accounting Act (Professional Conduct) (P-4141)
68 Ill. Adm. Code 1455 Real Estate Appraiser Certification (P-15785/92; A-1589) (P-6612) (E-6668)
68 Ill. Adm. Code 1480 Structural Engineering Licensing Act of 1989, The (P-4149; A-11162)

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- 89 Ill. Adm. Code 112 Aid to Families With Dependent Children (P-46) (P-3335/92; A-357)
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89 Ill. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-702; A-6804) (P-13383/92; A-827)
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89 Ill. Adm. Code 110 Application Process (P-13207/92; A-640)

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89 Ill. Adm. Code 111	Assistance Standards (P-16491/92; A-3213)
89 Ill. Adm. Code 160	Child Support Enforcement (P-8892/92; A-2272) (P-3820) (P-12067)
89 Ill. Adm. Code 165	Collections & Recoveries (P-2110; A-8187) (P-6614)
89 Ill. Adm. Code 116	Crisis Assistance (P-13764/92; A-1078) (P-12092)
89 Ill. Adm. Code 170	Demonstration Programs (P-10736)
89 Ill. Adm. Code 144	Developmental Disabilities Service (P-899; A-8478) (P-2477; A-11480)
89 Ill. Adm. Code 149	Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (P-14535/92; A-3217) (P-9829)
89 Ill. Adm. Code 121	Food Stamps (P-13385/92; A-644) (P-15813/92; A-4333) (P-7165)
89 Ill. Adm. Code 114	General Assistance (P-13395/92; A-1091) (P-15008/92; A-2277) (P-15287/92; A-2277) (P-15810/92; A-3255) (P-14538/92; A-3639) (P-19654/92; A-6814) (P-17459/92; A-6814) (P-18226/92; A-6814) (P-19654/92; A-6814) (P-17459/92; A-6814) (P-18226/92; A-6814)
89 Ill. Adm. Code 148	Hospital Services (P-10868/92; A-131) (P-14540/92; A-3296) (P-12826/92; A-6814)
89 Ill. Adm. Code 120	Medical Assistance Programs (P-711; A-6827) (P-14544/92; A-1102) (P-2114; A-10402)
89 Ill. Adm. Code 140	Medical Payment (P-62; A-6839) (P-13211/92; A-837) (P-7576/92; A-1112) (P-13397/92; O-1241; R-2436; A-2290; F-3058) (P-15296/92; A-2951) (P-15019/92; A-3421) (P-12838/92; A-19146/92; RQ-4517; EC-7078) (P-17049/92; A-6196) (P-16495/92; A-6196) (P-17956/92; A-6196) (P-17461/92; A-6839) (P-19665/92; A-6839) (P-17209/92; A-7004) (P-7183) (P-11201) (P-10749)
89 Ill. Adm. Code 104	Practice in Administrative Hearings (P-540; A-7025) (E-659)
89 Ill. Adm. Code 147	Reimbursement for Nursing Costs for Geriatric Facilities (P-13215/92; A-1128) (P-1716; A-8486) (P-5471)
89 Ill. Adm. Code 117	Related Program Provisions (P-2126; A-8191) (E-2368)
89 Ill. Adm. Code 118	Special Eligibility Groups (E-11217) (P-10751)
89 Ill. Adm. Code 103	Support Responsibility of Relatives (P-14178/92; A-655)
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4 Ill. Adm. Code 1075	Americans With Disabilities Act Grievance Procedure (P-14182/92; A-142)
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77 Ill. Adm. Code 697	AIDS Confidentiality & Testing Code (E-1204) (P-2687)
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93-258 Groundwater Protection Month	11264	93-304 Manufactured Housing Month	12470
93-259 Law Day	11265	93-305 Tomorrow's Leaders Day	12471
93-260 Mental Health Month	11266	93-306 Park Livingston Day	12471
93-261 Arts Week	11266	93-307 Childhood Cancer Awareness Week	12472
93-262 Better Hearing And Speech Month	11267	93-308 Therapeutic Recreation Week	12472
93-263 Garden Week	11267	93-309 Bud Billiken Day	12472
93-264 High Blood Pressure Month	11268	93-310 Illinois Archery Week	12473
93-265 Illinois Cancer Pain Awareness Day	11268	93-311 Korean War Veterans Recognition Day	12473
93-266 Keep America Beautiful Month	11269	93-312 Korea Unification Day	12474
93-267 Music Week	11269	93-313 Networking Together: Women Of Colors Leadership Days	12475
93-268 Older Americans Month	11270	93-314 Respect Lift Week	12475
93-269 Staunton High School Bulldogs Day	11270	93-315 Stephen Darius & Stanley Girenas Day	12476
93-270 Student Council Week	11271	93-316 Archaeology Awareness Week	12476
93-271 Lilac Time	11271	93-317 Hosiery Week	12477
93-272 Clown Week	11272	93-318 Vocational Student Organization Week	12477
93-273 Dr. James P. Paulissen Day	11272	93-319 Rick McGraw Day	12478
93-274 Jesse White Day	11273	93-320 Pat Cheffer Day	12478
93-275 Father Raymond Baumhart Day	11274		
93-276 WBEE, Charles Sherrell II, And Truette T. Day	11274		
93-277 Black Child Development Week	11275		
93-278 Celebration of Reading Day	11275		
93-279 Pediatric Brain Injury Awareness Month	11276		
93-280 Pioneers Across America for Alzheimer's Research Month	11276		
93-281 World champion Chicago Bulls Three-Peat Day	11277		
93-282 Disaster Areas-Counties Along Upper Mississippi River Basin, Rock River and Chain-of-Lakes Area	11277		
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93-284 Christian Heritage Week	11946		
93-285 Jaycee Haunted House Week	11947		
93-286 Bell Ringing Day	11947		
93-287 B'Nai B'Rith 150th Anniversary Day	11948		
93-288 Chatham jaycees Sweet Corn Festival 20th Anniversary Day	11949		
93-289 Clark County Citizens Expressed Gratitude	11950		
93-290 Coles County Citizens Expressed Gratitude	11950		
93-291 DeWitt County Citizens Expressed Gratitude	11950		
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The Sections Affected Index lists, by Title, each Section of a Part on which rulemaking activity has occurred in this volume (calendar year) of the Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash (e.g. 11 Ill. Adm. Code 436.05 was proposed last year and adopted this year. The action entry reads: (P-15655/91; A-4520). The codes are listed below.

TYPE OF RULEMAKING

am = amendment to existing Section
cc = codification changes
n = new Section
r = repeal of existing Section
re = recodified
= renumbered

ACTION CODES

A = Adopted rule
C = Correction
P = Proposed Rule
E = Emergency rule
PP = Peremptory rule
M = Modification
W = Withdrawal
RQ = Request for Correction
PF = Prohibited filing
S = Suspension
O = JCAR Objection
R = Refusal to Modify
F = Failure to Remedy
Objections Objection
RC = Recommendation
EC = Expedited Correction
CC = Codification Changes

NOTE: This issue HAS BEEN UPDATED TO INCLUDE ENTRIES FROM Issue #30, dated July 23, 1993.

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TITLE 1				
100.100	am	(P-2867; A-10414)	100.700	am (P-2867; A-10414)
100.110	am	(P-2867; A-10414)	100.710	am (P-2867; A-10414)
100.120	am	(P-2867; A-10414)	100.740	am (P-2867; A-10414)
100.130	am	(P-2867; A-10414)	100.800	am (P-2867; A-10414)
100.140	am	(P-2867; A-10414)	100.810	am (P-2867; A-10414)
100.150	am	(P-2867; A-10414)	100.820	am (P-2867; A-10414)
100.160	am	(P-2867; A-10414)	100.900	am (P-2867; A-10414)
100.180	am	(P-2867; A-10414)	100.910	am (P-2867; A-10414)
100.200	am	(P-2867; A-10414)	100.920	am (P-2867; A-10414)
100.210	am	(P-2867; A-10414)	100.1000	am (P-2867; A-10414)
100.220	am	(P-2867; A-10414)	100.1010	am (P-2867; A-10414)
100.230	am	(P-2867; A-10414)	100.1020	am (P-2867; A-10414)
100.240	am	(P-2867; A-10414)	100.1030	am (P-2867; A-10414)
100.250	n	(P-2867; A-10414)	100.1100	am (P-2867; A-10414)
100.260	am	(P-2867; A-10414)	100.1110	am (P-2867; A-10414)
100.270	am	(P-2867; A-10414)	100.1150	am (P-2867; A-10414)
100.280	am	(P-2867; A-10414)	100.1160	n (P-2867; A-10414)
100.300	am	(P-2867; A-10414)	100.1200	am (P-2867; A-10414)
100.310	am	(P-2867; A-10414)	100.1210	am (P-2867; A-10414)
100.320	am	(P-2867; A-10414)	100.Ap.A	am (P-2867; A-10414)
100.330	am	(P-2867; A-10414)	II.A	am (P-2867; A-10414)
100.335	am	(P-2867; A-10414)	100.Ap.B	am (P-2867; A-10414)
100.340	am	(P-2867; A-10414)	II.G	n (P-2867; A-10414)
100.345	am	(P-2867; A-10414)	II.H	n (P-2867; A-10414)
100.350	am	(P-2867; A-10414)	II.I	n (P-2867; A-10414)
100.360	am	(P-2867; A-10414)	100.Ap.D	am (P-2867; A-10414)
100.380	am	(P-2867; A-10414)	II.A	am (P-2867; A-10414)
100.385	am	(P-2867; A-10414)	100.Ap.E	am (P-2867; A-10414)
100.390	am	(P-2867; A-10414)	II.C	am (P-2867; A-10414)
100.400	am	(P-2867; A-10414)	II.D	am (P-2867; A-10414)
100.410	am	(P-2867; A-10414)	II.F	am (P-2867; A-10414)
100.415	am	(P-2867; A-10414)	II.G	n (P-2867; A-10414)
100.420	am	(P-2867; A-10414)	210.100	(CC-5965)
100.430	am	(P-2867; A-10414)	210.200	(CC-5965)
100.440	am	(P-2867; A-10414)	210.400	(CC-5965)
100.450	am	(P-2867; A-10414)	210.450	(CC-5965)
100.500	am	(P-2867; A-10414)	210.500	(CC-5965)
100.510	am	(P-2867; A-10414)	220.100	(CC-5971)
100.530	am	(P-2867; A-10414)	220.150	(CC-5971)
100.540	am	(P-2867; A-10414)	220.200	(CC-5971)
100.545	am	(P-2867; A-10414)	220.250	(CC-5971)
100.550	am	(P-2867; A-10414)	220.275	(CC-5971)
100.600	am	(P-2867; A-10414)	220.285	(CC-5971)
100.610	am	(P-2867; A-10414)	220.300	(CC-5971)
100.620	am	(P-2867; A-10414)	220.450	(CC-5971)
100.640	am	(P-2867; A-10414)	220.500	(CC-5971)
100.650	am	(P-2867; A-10414)	220.600	(CC-5971)
100.660	am	(P-2867; A-10414)	220.760	(CC-5971)
			220.780	(CC-5971)

[illegible]

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Volume 17, Issue #31		SECTIONS AFFECTED INDEX		Volume 17, Issue #31		SECTIONS AFFECTED INDEX	
July 30, 1993				July 30, 1993			
TITLE 8 (CONT'D)				TITLE 11 (CONT'D)			
65.200 am	(P-527; A-6749)	290.195 am	(P-8347)	205.180 n	(P-3594) (E-6859; O-8085)	205.500 n	(P-3594) (E-6859; O-8085)
65.210 am	(P-527; A-6749)	290.200 r	(P-8347)	205.190 n	(P-3594) (E-6859; O-8085)	205.510 n	(P-3594) (E-6859; O-8085)
65.220 am	(P-527; A-6749)	290.205 r	(P-8347)	205.250 n	(P-3594) (E-6859; O-8085)	205.520 n	(P-3594) (E-6859; O-8085)
65.230 am	(P-527; A-6749)	290.210 am	(P-8347)	205.260 n	(P-3594) (E-6859; O-8085)	205.530 n	(P-3594) (E-6859; O-8085)
105.30 am	(E-5910) (P-5377)	290.212 n	(P-8347)	205.270 n	(P-3594) (E-6859; O-8085)	205.540 n	(P-3594) (E-6859; O-8085)
115.80 am	(E-5906) (P-6373)	290.215 am	(P-8347)	205.280 n	(P-3594) (E-6859; O-8085)	205.550 n	(P-3594) (E-6859; O-8085)
125.270 am	(PP-2063)	700. Ap. I am	(P-9781)	205.290 n	(P-3594) (E-6859; O-8085)	205.560 n	(P-3594) (E-6859; O-8085)
125.390 am	(PP-2063)	750.10 n	(P-1251; A-6965)	205.300 n	(P-3594) (E-6859; O-8085)	205.570 n	(P-3594) (E-6859; O-8085)
256.10 n	(P-14975/92: A-2189)	750.20 n	(P-1251; A-6965)	205.310 n	(P-3594) (E-6859; O-8085)	205.580 n	(P-3594) (E-6859; O-8085)
256.20 n	(P-14975/92: A-2189)	750.30 n	(P-1251; A-6965)	205.320 n	(P-3594) (E-6859; O-8085)	205.590 n	(P-3594) (E-6859; O-8085)
256.30 n	(P-14975/92: A-2189)	750.40 n	(P-1251; A-6965)	205.330 n	(P-3594) (E-6859; O-8085)	205.600 n	(P-3594) (E-6859; O-8085)
256.40 n	(P-14975/92: A-2189)	1400.146 n	(P-3956)	205.340 n	(P-3594) (E-6859; O-8085)	205.610 n	(P-3594) (E-6859; O-8085)
256.50 n	(P-14975/92: A-2189)	1400.147 am	(P-8297/92; A-3618)	205.350 n	(P-3594) (E-6859; O-8085)	205.620 n	(P-3594) (E-6859; O-8085)
256.60 n	(P-14975/92: A-2189)	1400.149 am	(P-3956)	205.360 n	(P-3594) (E-6859; O-8085)	205.650 n	(P-3594) (E-6859; O-8085)
256.70 n	(P-14975/92: A-2189)			205.370 n	(P-3594) (E-6859; O-8085)	205.660 n	(P-3594) (E-6859; O-8085)
256.80 n	(P-14975/92: A-2189)			205.380 n	(P-3594) (E-6859; O-8085)	205.670 n	(P-3594) (E-6859; O-8085)
256.90 n	(P-14975/92: A-2189)			205.420 n	(P-3594) (E-6859; O-8085)	205.680 n	(P-3594) (E-6859; O-8085)
290.10 am	(P-8347)			205.430 n	(P-3594) (E-6859; O-8085)	205.690 n	(P-3594) (E-6859; O-8085)
290.15 am	(P-8347)			205.440 n	(P-3594) (E-6859; O-8085)	205.700 n	(P-3594) (E-6859; O-8085)
290.30 n	(P-8347)			205.450 n	(P-3594) (E-6859; O-8085)	205.710 n	(P-3594) (E-6859; O-8085)
290.50 am	(P-8347)			205.460 n	(P-3594) (E-6859; O-8085)	205.720 n	(P-3594) (E-6859; O-8085)
290.55 am	(P-8347)			205.470 n	(P-3594) (E-6859; O-8085)	205.730 n	(P-3594) (E-6859; O-8085)
290.60 r	(P-8347)			205.480 n	(P-3594) (E-6859; O-8085)	502.220 am	(P-11367)
290.62 n	(P-8347)			205.490 n	(P-3594) (E-6859; O-8085)	502.290 am	(P-11367)
290.63 n	(P-8347)					509.10 am	(P-6955/92; A-3649)
290.64 n	(P-8347)					509.20 am	(P-6955/92; A-3649)
290.65 am	(P-8347)					509.30 am	(P-6955/92; A-3649)
290.70 r	(P-8347)						
290.75 r	(P-8347)						
290.80 r	(P-8347)						
290.85 am	(P-8347)						
290.90 am	(P-8347)						
290.95 am	(P-8347)						
290.100 r	(P-8347)						
290.105 am	(P-8347)						
290.110 am	(P-8347)						
290.150 am	(P-8347)						
290.155 am	(P-8347)						
290.160 r	(P-8347)						
290.162 n	(P-8347)						
290.163 n	(P-8347)						
290.164 n	(P-8347)						
290.165 am	(P-8347)						
290.170 r	(P-8347)						
290.175 r	(P-8347)						
290.180 r	(P-8347)						
290.185 am	(P-8347)						
290.190 r	(P-8347)						

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TITLE 11 (CONT'D)					
509.40	am	(P-6955/92; A-3649)	1409.310	am	(P-4158; A-12429)
509.50	am	(P-6955/92; A-3649)	1409.410	am	(P-4158; A-12429)
509.60	am	(P-6955/92; A-3649)	1409.510	am	(P-4158; A-12429)
509.70	am	(P-6955/92; A-3649)	1409.710	am	(P-4158; A-12429)
509.75	am	(P-6955/92; A-3649)	1409.810	am	(P-4158; A-12429)
509.80	am	(P-6955/92; A-3649)	1409.100	am	(P-4158; A-12429)
509.90	am	(P-6955/92; A-3649)	1409.120	am	(P-4158; A-12429)
509.95	n	(P-6955/92; A-3649)	1409.130	am	(P-4158; A-12429)
509.100	am	(P-6955/92; A-3649)	1409.135	am	(P-4158; A-12429)
509.110	am	(P-6955/92; A-3649)	1409.138	am	(P-4158; A-12429)
509.130	r	(P-6955/92; A-3649)	1409.140	am	(P-4158; A-12429)
509.140	am	(P-6955/92; A-3649)	1409.150	am	(P-4158; A-12429)
509.150	am	(P-6955/92; A-3649)	1409.160	am	(P-4158; A-12429)
509.160	am	(P-6955/92; A-3649)	1409.170	am	(P-4158; A-12429)
509.170	am	(P-6955/92; A-3649)	1409.180	am	(P-4158; A-12429)
509.175	r	(P-6955/92; A-3649)	1409.185	am	(P-4158; A-12429)
509.190	am	(P-6955/92; A-3649)	1411.250	n	(P-1372; A-12426)
509.195	r	(P-6955/92; A-3649)	1413.150	am	(P-13218/92; A-1628)
509.200	am	(P-6955/92; A-3649)	1416.5	am	(P-12274)
509.210	am	(P-6955/92; A-3649)	1424.170	am	(P-12133/92; A-3038)
509.220	am	(P-6955/92; A-3649)	1424.175	r	(P-12133/92; A-3038)
509.230	am	(P-6955/92; A-3649)	1428.240	n	(P-3593; O-10011; RC-10012; M-12456)
509.240	r	(P-6955/92; A-3649)			(E-3683; O-6550)
509.250	r	(P-6955/92; A-3649)	1770.20	am	(P-16738/92; C-8074)
509.260	r	(P-6955/92; A-3649)	1770.110	am	(P-16738/92; C-8074)
509.265	r	(P-6955/92; A-3649)	1770.170	am	(P-16738/92; C-8074)
509.270	am	(P-6955/92; A-3649)	1770.190	am	(P-16738/92; C-8074)
510.30	am	(P-6746)			
510.200	am	(P-6746)			
510.220	am	(P-4155; A-12423)			
1303.70	am	(P-1728; A-12437)			
1305.120	r	(P-2439/92; A-3034)			
1305.130	r	(P-2439/92; A-3034)			
1305.140	am	(P-2439/92; A-3034)			
1318.30	am	(P-12271)			
1402.20	am	(P-11372)			
1402.30	am	(P-11372)			
1402.50	am	(P-11372)			
1402.70	am	(P-11372)			
1402.90	am	(P-11372)			
1402.120	am	(P-11372)			
1402.240	r	(P-11372)			
1402.245	n	(P-11372)			
1402.250	am	(P-11372)			
1402.260	am	(P-11372)			
1402.280	n	(P-11372)			
1409.10	am	(P-4158; A-12429)			
1409.20	am	(P-4158; A-12429)			

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TITLE 14 (CONT'D)					
150.720	n	(P-4167; A-11571)	590.40	am	(P-4554)
170.20	am	(P-13784/92; A-427)	590.50	am	(P-4554)
520.520	n	(P-9791)	590.60	am	(P-4554)
520.920	am	(P-13691/92; A-1837)	590.70	am	(P-4554)
520.930	am	(P-13691/92; A-1837)	650.21	am	(P-4718)
520.1020	am	(P-13691/92; A-1837)	650.22	am	(P-4718)
520.1030	am	(P-13691/92; A-1837)	650.30	am	(P-4718)
1230.100	n	(P-9222/92; A-1859)	650.40	am	(P-4718)
1230.110	n	(P-9222/92; A-1859)	650.50	am	(P-4718)
1230.200	n	(P-9222/92; A-1859)	650.60	am	(P-4718)
1230.210	n	(P-9222/92; A-1859)	650.65	n	(P-4718)
1230.300	n	(P-9222/92; A-1859)	660.20	am	(P-4742; A-10865)
1230.310	n	(P-9222/92; A-1859)	660.22	n	(P-4742; A-10865)
1230.400	n	(P-9222/92; A-1859)	660.30	am	(P-4742; A-10865)
1230.500	n	(P-9222/92; A-1859)	660.40	am	(P-4742; A-10865)
1230.510	n	(P-9222/92; A-1859)	660.45	am	(P-4742; A-10865)
1230.520	n	(P-9222/92; A-1859)	660.50	am	(P-4742; A-10865)
1230.530	n	(P-9222/92; A-1859)	660.60	am	(P-4742; A-10865)
1230.540	n	(P-9222/92; A-1859)	670.10	am	(P-15265/92; A-286)
TITLE 17					
220.30	am	(P-19993/92; A-6760)	670.20	am	(P-4698)
220.60	am	(P-19993/92; A-6760)	670.30	am	(P-4698)
370.		(CC-8091)	670.40	am	(P-4698)
390.		(CC-8090)	670.50	am	(P-4698)
510.10	am	(P-4601; A-10775)	670.60	am	(P-15265/92; A-286)
530.10	am	(P-7138)			(P-4698)
530.20	am	(P-7138)	680.10	am	(P-12055)
530.70	am	(P-7138)	680.20	am	(P-12055)
530.80	am	(P-7138)	680.40	am	(P-12055)
530.90	am	(P-7138)	680.50	am	(P-12055)
530.100	am	(P-7138)	680.80	am	(P-12055)
530.105	am	(P-7138)	690.30	am	(P-4672; A-10842)
530.110	am	(P-7138)	710.10	am	(P-18181/92; A-3184)
530.115	am	(P-7138)	710.20	am	(P-18181/92; A-3184)
530.120	am	(P-7138)	710.30	am	(P-18181/92; A-3184)
550.10	am	(P-4622; A-10795)	710.50	am	(P-18181/92; A-3184)
550.20	am	(P-4622; A-10795)	715.10	am	(P-4689; A-10858)
550.30	am	(P-4622; A-10795)	715.20	am	(P-4689; A-10858)
570.20	am	(P-4611; A-10785)	715.21	n	(P-4689; A-10858)
570.30	am	(P-4611; A-10785)	715.40	am	(P-4689; A-10858)
		(P-12038)	720.10	am	(P-15260/92; A-281)
570.40	am	(P-4611; A-10785)	720.10	am	(P-4680; A-10850)
590.10	am	(E-1658) (P-4554)	720.20	am	(P-4680; A-10850)
590.20	am	(P-4554)	720.40	am	(P-15260/92; A-281)
590.25	am	(P-4554)			(P-4680; A-10850)
590.26	am	(P-4554)	730.10	am	(P-4539; A-10761)
590.30	am	(P-4554)	730.20	am	(P-4539; A-10761)
			730.30	am	(P-4539; A-10761)

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TITLE 17 (CONT'D)			TITLE 23		
740.10	am	(P-4757; A-10877)	4000.280	n	(P-12005)
740.20	am	(P-4757; A-10877)	4000.310	r	(P-12005)
810.20	am	(P-17414/92; A-3853)	4000.320	r	(P-12005)
810.35	am	(P-17414/92; A-3853)	4000.410	r	(P-12005)
810.37	am	(P-17414/92; A-3853)	4000.415	n	(P-12005)
810.45	am	(P-17414/92; A-3853)	4000.420	r	(P-12005)
		(P-4636; A-10806)	4000.425	n	(P-12005)
		(E-5915)	4000.430	r	(P-12005)
810.60	am	(P-17414/92; A-3853)	4000.435	n	(P-12005)
810.70	am	(P-17414/92; A-3853)	4000.440	am	(P-12005)
830.10	am	(P-17405/92; A-3177)	4000.450	r	(P-12005)
830.20	am	(P-17405/92; A-3177)	4000.460	am	(P-12005)
830.40	am	(P-17405/92; A-3177)	4000.465	n	(P-12005)
830.80	am	(P-17405/92; A-3177)	4000.470	r	(P-12005)
830.90	am	(P-17405/92; A-3177)	4000.475	n	(P-12005)
950.40	am	(P-6390)	4000.510	r	(P-12005)
950.50	am	(P-6390)	4000.520	r	(P-12005)
1050.20	am	(P-4608; A-10781)	4000.530	r	(P-12005)
1070.10	am	(P-12041)	4000.540	am	(P-12005)
1070.20	am	(P-12041)	4000.550	am	(P-12005)
1070.30	am	(P-12041)	4000.560	am	(P-12005)
1536.10	am	(P-8107)	4000.570	am	(P-12005)
1536.25	am	(P-8107)	4000.580	am	(P-12005)
1536.30	am	(P-8107)	4000.610	r	(P-12005)
1536.40	am	(P-8107)	4000.620	am	(P-12005)
1536.50	am	(P-8107)	4180.120	am	(P-13718/92; A-1521)
1536.65	am	(P-8107)			
1536.70	am	(P-8107)	TITLE 20		
1536.80	am	(P-8107)	440.10	r	(P-16371/92; A-1519)
1536.90	am	(P-8107)	440.20	r	(P-16371/92; A-1519)
2530.20	am	(CC-8089)	501.40	am	(P-8396)
2735.30	am	(P-10252)	501.60	am	(P-8396)
4000.110	am	(P-12005)	502.110	am	(P-6394)
4000.120	am	(P-12005)	525.140	am	(PP-1666; RQ-9150; C-10013; EC-11903)
4000.130	am	(P-12005)			
4000.140	r	(P-12005)	1230.10	am	(P-7768)
4000.150	am	(P-12005)	1230.20	am	(P-7768)
4000.160	am	(P-12005)	1230.30	am	(P-7768)
4000.165	n	(P-12005)	1230.40	#,n	(P-7768)
4000.170	am	(P-12005)	1230.50	#,am	(P-7768)
4000.210	am	(P-12005)	1230.60	n	(P-7768)
4000.220	am	(P-12005)	1230.70	n	(P-7768)
4000.230	r	(P-12005)	1230.80	n	(P-7768)
4000.240	am	(P-12005)	1230.90	#, am	(P-7768)
4000.250	am	(P-12005)	1230.100	n	(P-7768)
4000.260	am	(P-12005)	1230.Ex.A	r	(P-7768)
4000.270	am	(P-12005)	1230.Ex.B	r	(P-7768)

TITLE 23			TITLE 20		
1501.303	am	(P-10079)	4000.280	n	(P-12005)
1501.307	am	(P-10079)	4000.310	r	(P-12005)
1501.309	am	(P-10079)	4000.320	r	(P-12005)
1501.406	am	(P-10079)	4000.410	r	(P-12005)
1501.501	am	(P-10079)	4000.415	n	(P-12005)
1501.503	am	(P-10079)	4000.420	r	(P-12005)
1501.505	am	(P-10079)	4000.425	n	(P-12005)
1501.507	am	(P-10079)	4000.430	r	(P-12005)
1501.508	am	(P-10079)	4000.435	n	(P-12005)
1501.516	am	(P-10079)	4000.440	am	(P-12005)
1501.607	am	(P-10079)	4000.450	r	(P-12005)
1501.703	am	(P-10079)	4000.460	am	(P-12005)
2310.80	am	(P-10079)	4000.465	n	(P-12005)
2700.20	am	(P-10079)	4000.470	r	(P-12005)
2700.30	am	(P-10079)	4000.475	n	(P-12005)
2700.40	am	(P-8684/92; A-18010/92; EC-3553)	4000.510	r	(P-12005)
2700.50	am	(P-10061)	4000.520	r	(P-12005)
2700.55	am	(P-10061)	4000.530	r	(P-12005)
2700.60	am	(P-10061)	4000.540	am	(P-12005)
2700.70	am	(P-10061)	4000.550	am	(P-12005)
2720.5	am	(P-10061)	4000.560	am	(P-12005)
2720.6	am	(P-10061)	4000.570	am	(P-12005)
2720.10	am	(P-10061)	4000.580	am	(P-12005)
2720.20	am	(P-10061)	4000.610	r	(P-12005)
2720.25	am	(P-10061)	4000.620	am	(P-12005)
2720.30	am	(P-10061)	4180.120	am	(P-13718/92; A-1521)
2720.40	am	(P-10061)			
2720.41	am	(P-9253/92; A-104)	TITLE 20		
2720.42	am	(P-9253/92; A-104)	440.10	r	(P-16371/92; A-1519)
2720.50	am	(P-9253/92; A-104)	440.20	r	(P-16371/92; A-1519)
2720.55	am	(P-9253/92; A-104)	501.40	am	(P-8396)
2720.60	am	(P-10131)	501.60	am	(P-8396)
2720.70	am	(P-10131)	502.110	am	(P-6394)
2720.80	am	(P-10131)	525.140	am	(PP-1666; RQ-9150; C-10013; EC-11903)
2720.90	am	(P-10131)			
2720.105	am	(P-10131)	1230.10	am	(P-7768)
2720.120	am	(P-10131)	1230.20	am	(P-7768)
2720.130	am	(P-10131)	1230.30	am	(P-7768)
2720.200	am	(P-12062)	1230.40	#,n	(P-7768)
2720.210	am	(P-12274/92; A-1853)	1230.50	#,am	(P-7768)
2720.Ap.A	am	(P-6686)	1230.60	n	(P-7768)
2730.5	am	(P-6686)	1230.70	n	(P-7768)
2730.10	am	(P-6686)	1230.80	n	(P-7768)
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2731.10	am	(P-6686)	1230.100	n	(P-7768)
2731.20	am	(P-6686)	1230.Ex.A	r	(P-7768)
2732.10	am	(P-6686)	1230.Ex.B	r	(P-7768)
2732.20	am	(P-6686)			

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2733.30	am	(P-1444; A-10570)	3040.260	am
2735.10	am	(P-1470; A-10596)	TITLE 32	
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2735.30	am	(E-6672)		
2735.40	am	(P-1470; A-10596)		
2735.50	am	(P-1470; A-10596)		
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2735.70	am	(P-1470; A-10596)	310.82	am
2735.80	am	(P-1470; A-10596)	310.100	am
2735.100	am	(P-1470; A-10596)	310.130	r
2760.5	am	(P-1470; A-10596)	310.140	n
2760.10	am	(P-1497; A-10624)	310.150	n
2760.30	am	(P-1497; A-10624)	310.Ap.C	r
2760.40	am	(P-1497; A-10624)	320.10	am
2761.10	am	(P-1453; A-10579)	320.40	am
2761.20	am	(P-1453; A-10579)	332.170	am
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2763.30	am	(P-1459; A-10585)	335.4010	am
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2763.50	am	(P-1459; A-10585)	340.20	n
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2770.20	am	(P-1505; A-10632)	340.40	n
2770.30	am	(P-1505; A-10632)	340.110	n
3030.10	am	(P-9678) (E-9725)	340.210	n
3030.105	am	(P-9678) (E-9725)	340.220	n
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3040.120	am	(P-958; A-7234)	340.250	n
3040.130	am	(P-958; A-7234)	340.260	n
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3040.150	am	(P-958; A-7234)	340.280	n
3040.160	am	(P-958; A-7234)	340.310	n
3040.170	am	(P-958; A-7234)	340.320	n
3040.200	am	(P-958; A-7234)	340.410	n
3040.210	am	(P-958; A-7234)	340.510	n
3040.220	am	(P-958; A-7234)	340.520	n
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183.132 n	(P-12659/92; A-12319)	183.410 am	(P-12659/92; A-12319)
183.133 n	(P-12659/92; A-12319)	183.415 am	(P-12659/92; A-12319)
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183.150 am	(P-12659/92; A-12319)	183.440 am	(P-12659/92; A-12319)
183.160 am	(P-12659/92; A-12319)	183.445 am	(P-12659/92; A-12319)
183.170 r	(P-12659/92; A-12319)	183.450 am	(P-12659/92; A-12319)
183.210 am	(P-12659/92; A-12319)	183.455 am	(P-12659/92; A-12319)
183.215 am	(P-12659/92; A-12319)	183.460 am	(P-12659/92; A-12319)
183.220 am	(P-12659/92; A-12319)	183.465 am	(P-12659/92; A-12319)
183.225 am	(P-12659/92; A-12319)	183.470 am	(P-12659/92; A-12319)
183.230 am	(P-12659/92; A-12319)	183.475 am	(P-12659/92; A-12319)
183.231 n	(P-12659/92; A-12319)	183.480 am	(P-12659/92; A-12319)
183.235 am	(P-12659/92; A-12319)	183.485 am	(P-12659/92; A-12319)
183.240 am	(P-12659/92; A-12319)	183.490 am	(P-12659/92; A-12319)
183.245 am	(P-12659/92; A-12319)	183.495 am	(P-12659/92; A-12319)
183.250 am	(P-12659/92; A-12319)	183.500 am	(P-12659/92; A-12319)
183.255 am	(P-12659/92; A-12319)	183.505 am	(P-12659/92; A-12319)
183.310 am	(P-12659/92; A-12319)	183.510 am	(P-12659/92; A-12319)
183.315 am	(P-12659/92; A-12319)	183.515 am	(P-12659/92; A-12319)
183.320 am	(P-12659/92; A-12319)	183.520 am	(P-12659/92; A-12319)
183.325 am	(P-12659/92; A-12319)	183.525 am	(P-12659/92; A-12319)
183.330 am	(P-12659/92; A-12319)	183.530 am	(P-12659/92; A-12319)
183.335 am	(P-12659/92; A-12319)	183.535 am	(P-12659/92; A-12319)
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		219.587 am	219.731 am	(P-5169)	
		219.588 am	219.732 am	(P-5169)	
		219.589 am	219.733 am	(P-5169)	
		219.590 am	219.734 am	(P-5169)	
		219.591 am	219.735 am	(P-5169)	
		219.592 am	219.736 am	(P-5169)	
		219.593 am	219.737 am	(P-5169)	
		219.594 am	219.738 am	(P-5169)	
		219.595 am	219.739 am	(P-5169)	
		219.596 am	219.740 am	(P-5169)	
		219.597 am	219.741 am	(P-5169)	
		219.598 am	219.742 am	(P-5169)	
		219.599 am	219.743 am	(P-5169)	
		219.600 am	219.744 am	(P-5169)	
		219.601 am	219.745 am	(P-5169)	
		219.602 am	219.746 am	(P-5169)	
		219.603 am	219.747 am	(P-5169)	
		219.604 am	219.748 am	(P-5169)	
		219.605 am	219.749 am	(P-5169)	
		219.606 am	219.750 am	(P-5169)	
		219.607 am	219.751 am	(P-5169)	
		219.608 am	219.752 am	(P-5169)	
		219.609 am	219.753 am	(P-5169)	
		219.610 am	219.754 am	(P-5169)	
		219.611 am	219.755 am	(P-5169)	
		219.612 am	219.756 am	(P-5169)	
		219.613 am	219.757 am	(P-5169)	
		219.614 am	219.758 am	(P-5169)	
		219.615 am	219.759 am	(P-5169)	
		219.616 am	219.760 am	(P-5169)	
		219.617 am	219.761 am	(P-5169)	
		219.618 am	219.762 am	(P-5169)	
		219.619 am	219.763 am	(P-5169)	
		219.620 am	219.764 am	(P-5169)	
		219.621 am		(P-5169)	
		219.622 am		(P-5169)	
		219.623 am		(P-5169)	
		219.624 am		(P-5169)	

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307.2404	am	(P-9803)	611.350	n	(P-2533; A-7796)
307.2405	am	(P-9803)	611.351	n	(P-2533; A-7796)
307.2406	am	(P-9803)	611.352	n	(P-2533; A-7796)
307.2490	am	(P-9803)	611.353	n	(P-2533; A-7796)
307.2491	am	(P-9803)	611.354	n	(P-2533; A-7796)
320.101	n	(P-2469; A-11461)	611.355	n	(P-2533; A-7796)
320.102	n	(P-2469; A-11461)	611.356	n	(P-2533; A-7796)
320.103	n	(P-2469; A-11461)	611.357	n	(P-2533; A-7796)
320.104	n	(P-2469; A-11461)	611.358	n	(P-2533; A-7796)
320.105	n	(P-2469; A-11461)	611.359	n	(P-2533; A-7796)
320.201	n	(P-2469; A-11461)	611.360	n	(P-2533; A-7796)
320.202	n	(P-2469; A-11461)	611.361	n	(P-2533; A-7796)
320.203	n	(P-2469; A-11461)	611.510	am	(P-7629)
320.204	n	(P-2469; A-11461)	611.521	am	(P-2533; A-7796)
320.301	n	(P-2469; A-11461)	611.560	am	(P-2533; A-7796)
320.302	n	(P-2469; A-11461)	611.600	am	(P-7629)
604.101	r	(P-7621)	611.601	am	(P-7629)
604.102	r	(P-7621)	611.603	am	(P-7629)
604.103	r	(P-7621)	611.609	am	(P-7629)
604.104	r	(P-7621)	611.611	am	(P-2533; A-7796)
604.105	r	(P-7621)	611.612	am	(P-2533; A-7796)
605.101	r	(P-2682; A-7943)	611.630	am	(P-2533; A-7796)
605.102	r	(P-2682; A-7943)	611.640	am	(P-2533; A-7796)
605.109	r	(P-7738)	611.646	am	(P-7629)
611.101	am	(P-2533; A-7796)	611.647	am	(P-2533; A-7796)
611.102	am	(P-7629)	611.648	am	(P-2533; A-7796)
611.107	n	(A-7796)	611.649	am	(P-7629)
611.110	am	(P-2533; A-7796)	611.650	am	(P-2533; A-7796)
611.111	am	(P-2533; A-7796)	611.651	am	(P-2533; A-7796)
611.112	am	(P-2533; A-7796)	611.652	am	(P-2533; A-7796)
611.113	am	(P-2533; A-7796)	611.653	am	(P-2533; A-7796)
611.130	n	(P-2533; A-7796)	611.654	am	(P-2533; A-7796)
611.240	am	(P-7629)	611.655	am	(P-7629)
611.280	am	(P-2533; A-7796)	611.656	am	(P-2533; A-7796)
611.290	am	(P-2533; A-7796)	611.657	am	(P-2533; A-7796)
611.297	n	(P-2533; A-7796)	611.658	am	(P-2533; A-7796)
611.300	am	(P-7629)	611.659	am	(P-2533; A-7796)
611.301	am	(P-2533; A-7796)	611.660	am	(P-2533; A-7796)
611.310	am	(P-7629)	611.661	am	(P-2533; A-7796)
611.311	am	(P-2533; A-7796)	611.662	am	(P-2533; A-7796)

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703.280	am	(P-9417)	724.405	am	(P-16970/92; A-5806)
703.Ap.A	am	(P-16930/92; A-5774)	724.414	am	(P-9453)
720.110	am	(P-9417)	724.416	am	(P-9453)
720.111	am	(P-16776/92; A-5625)	724.671	am	(P-9453)
720.112	am	(P-9170)	724.672	am	(P-9453)
721.102	am	(P-9170)	724.673	am	(P-16970/92; A-5806)
721.103	am	(P-9193)	724.1100	n	(P-9453)
721.131	am	(P-16801/92; A-5650)	724.1101	n	(P-9453)
721.132	am	(P-9193)	724.1102	n	(P-9453)
721.Ap.B	am	(P-16801/92; A-5650)	725.101	am	(P-9245)
721.Ap.G	am	(P-9193)	725.113	am	(P-16831/92; A-5681)
722.134	am	(P-9193)	725.115	am	(P-9245)
724.101	am	(P-9453)	725.119	n	(P-16831/92; A-5681)
724.113	am	(P-16970/92; A-5806)	725.173	am	(P-16831/92; A-5681)
724.115	am	(P-9453)	725.210	am	(P-9245)
724.119	n	(P-16970/92; A-5806)	725.211	am	(P-9245)
724.173	am	(P-16970/92; A-5806)	725.212	am	(P-9245)
724.210	am	(P-9453)	725.240	am	(P-9245)
724.211	am	(P-9453)	725.242	am	(P-9245)
724.212	am	(P-9453)	725.243	am	(P-9245)
724.240	am	(P-9453)	725.245	am	(P-9245)
724.242	am	(P-9453)	725.247	am	(P-9245)
724.243	am	(P-9453)	725.321	am	(P-16831/92; A-5681)
724.245	am	(P-9453)	725.322	r	(P-16831/92; A-5681)
724.247	am	(P-9453)	725.323	r	(P-16831/92; A-5681)
724.251	am	(P-9453)	725.323	n	(P-16831/92; A-5681)
724.321	am	(P-16970/92; A-5806)	725.324	n	(P-16831/92; A-5681)
724.322	n	(P-16970/92; A-5806)	725.326	am	(P-16831/92; A-5681)
724.323	n	(P-16970/92; A-5806)	725.328	am	(P-16831/92; A-5681)
724.326	am	(P-16970/92; A-5806)	725.334	am	(P-16831/92; A-5681)
724.328	n	(P-16970/92; A-5806)	725.355	n	(P-16831/92; A-5681)
724.351	am	(P-16970/92; A-5806)	725.359	n	(P-16831/92; A-5681)
724.352	n	(P-16473/92; A-1878)	725.360	n	(P-16831/92; A-5681)
724.353	n	(P-16924/92; A-5769)	725.401	am	(P-16831/92; A-5681)
724.354	am	(P-9417)	725.402	r	(P-16831/92; A-5681)
724.401	am	(P-9417)	725.402	n	(P-16831/92; A-5681)
724.402	n	(P-9417)	725.403	n	(P-16831/92; A-5681)
724.403	am	(P-16930/92; A-5774)	725.404	n	(P-16831/92; A-5681)

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	(P-9245)	739.110 n	(P-9588)
725.1100 n	(P-9245)	739.111 n	(P-9588)
725.1101 n	(P-9245)	739.112 n	(P-9588)
725.1102 n	(P-9245)	739.120 n	(P-9588)
726.140 r	(P-9528)	739.121 n	(P-9588)
726.141 r	(P-9528)	739.122 n	(P-9588)
726.142 r	(P-9528)	739.123 n	(P-9588)
726.143 r	(P-9528)	739.124 n	(P-9588)
726.144 r	(P-9528)	739.130 n	(P-9588)
726.200 am	(P-17028/92; A-5865)	739.131 n	(P-9588)
	(P-9528)	739.132 n	(P-9588)
726.201 am	(P-9528)	739.140 n	(P-9588)
726.203 am	(P-9528)	739.141 n	(P-9588)
726.204 am	(P-9528)	739.142 n	(P-9588)
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726.212 am	(P-9528)	739.144 n	(P-9588)
726.219 am	(P-9528)	739.145 n	(P-9588)
726.Ap.1 am	(P-9528)	739.146 n	(P-9588)
728.102 am	(P-9317)	739.147 n	(P-9588)
728.103 am	(P-16878/92; A-5727)	739.150 n	(P-9588)
728.105 am	(P-9317)	739.151 n	(P-9588)
728.107 am	(P-9317)	739.152 n	(P-9588)
728.109 am	(P-9317)	739.153 n	(P-9588)
728.114 n	(P-9317)	739.154 n	(P-9588)
728.135 am	(P-16878/92; A-5727)	739.155 n	(P-9588)
	(P-9317)	739.156 n	(P-9588)
728.136 n	(P-9317)	739.157 n	(P-9588)
728.140 n	(P-9317)	739.158 n	(P-9588)
728.141 am	(P-16878/92; A-5727)	739.159 n	(P-9588)
	(P-9317)	739.160 n	(P-9588)
728.142 am	(P-9317)	739.161 n	(P-9588)
728.145 n	(P-9317)	739.162 n	(P-9588)
728.146 n	(P-9317)	739.163 n	(P-9588)
728.150 am	(P-9317)	739.164 n	(P-9588)
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728.Tb.B am	(P-9317)	739.167 n	(P-9588)
728.Tb.D am	(P-16878/92; A-5727)	739.170 n	(P-9588)
	(P-9317)	739.171 n	(P-9588)
728.Tb.F n	(P-9317)	739.172 n	(P-9588)
728.Tb.G n	(P-9317)	739.173 n	(P-9588)
730.168 am	(P-8428)	739.174 n	(P-9588)
738.101 am	(P-16770/92; A-6190)	739.175 n	(P-9588)
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738.110 am	(P-16770/92; A-6190)	739.181 n	(P-9588)
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811.171 am	(P-8726)	1420.106 n	(P-19625/92; A-9947)
811.110 am	(P-8726)	1420.107 n	(P-19625/92; A-9947)
811.111 am	(P-8726)	1420.120 n	(P-19625/92; A-9947)
811.112 n	(P-8726)	1421.101 n	(P-19615/92; A-10392)
811.302 am	(P-8726)	1421.110 n	(P-19615/92; A-10392)
811.303 am	(P-8726)	1421.111 n	(P-19615/92; A-10392)
811.310 am	(P-16962/92; A-12413)	1421.120 n	(P-19615/92; A-10392)
811.319 am	(P-8726)	1421.121 n	(P-19615/92; A-10392)
811.323 am	(P-8726)	1421.130 n	(P-19615/92; A-10392)
811.324 n	(P-8726)	1421.131 n	(P-19615/92; A-10392)
811.325 n	(P-8726)	1421.140 n	(P-19615/92; A-10392)
811.326 n	(P-8726)	1421.141 n	(P-19615/92; A-10392)
811.700 am	(P-8726)	1421.142 n	(P-19615/92; A-10392)
811.701 am	(P-8726)	1422.101 n	(P-20002/92; A-9911)
811.702 am	(P-8726)	1422.105 n	(P-20002/92; A-9911)
811.703 am	(P-8726)	1422.106 n	(P-20002/92; A-9911)
811.704 am	(P-8726)	1422.110 n	(P-20002/92; A-9911)
811.705 am	(P-8726)	1422.111 n	(P-20002/92; A-9911)
811.706 am	(P-8726)	1422.120 n	(P-20002/92; A-9911)
811.707 am	(P-8726)	1422.121 n	(P-20002/92; A-9911)
811.708 am	(P-8726)	1422.122 n	(P-20002/92; O-8084; M-10007; A-9911)
811.709 am	(P-8726)		
811.710 am	(P-8726)	1422.123 n	(P-20002/92; A-9911)
811.711 am	(P-8726)	1422.124 n	(P-20002/92; A-9911)
811.712 am	(P-8726)	1422.125 n	(P-20002/92; A-9911)
811.713 am	(P-8726)	1422.126 n	(P-20002/92; A-9911)
811.714 am	(P-8726)	1422.127 n	(P-20002/92; A-9911)
811.715 am	(P-8726)	1422.Ap.A n	(P-20002/92; A-9911)
811.Ap.B n	(P-8726)	Tb.A n	(P-20002/92; A-9911)
813.106 am	(P-16920/92; A-12409)	Tb.B n	(P-20002/92; A-9911)
814.101 am	(P-8714)	Tb.C n	(P-20002/92; A-9911)
814.102 am	(P-8714)	1422.Ap.B n	(P-20002/92; A-9911)
814.103 am	(P-8714)		
814.104 am	(P-8714)	TITLE 38	
814.105 am	(P-8714)	130.10 am	(P-6929)
814.107 n	(P-8714)	130.30 am	(P-6929)
814.108 n	(P-8714)	130.60 am	(P-6929)
814.302 am	(P-8714)	180.10 am	(P-14006/92; A-123)
814.402 am	(P-8714)	180.22 n	(P-14006/92; A-123)
814.501 am	(P-8714)	180.24 n	(P-14006/92; A-123)
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876. n	(E-16191/92; O-18856/92; RC-18857/92; M-2438)	180.85 am	(P-5990; A-9893)
			(E-6321)
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1420.102 am	(P-19625/92; A-9947)	180.94 n	(P-14006/92; A-123)
1420.103 n	(P-19625/92; A-9947)	180.100 am	(P-14006/92; A-123)
		190.35 n	(P-6595)

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190.165	am	(P-6599)	400.1070	re	(A-4464)
400.110	re	(A-4464)	400.1080	re	(A-4464)
400.120	re	(A-4464)	400.1090	re	(A-4464)
400.130	re	(A-4464)	400.1110	re	(A-4464)
400.140	re	(A-4464)	400.1120	re	(A-4464)
400.141	re	(A-4464)	400.1130	re	(A-4464)
400.142	re	(A-4464)	400.1140	re	(A-4464)
400.143	re	(A-4464)	400.1150	re	(A-4464)
400.150	re	(A-4464)	400.1160	re	(A-4464)
400.205	re	(A-4464)	400.1170	re	(A-4464)
400.210	re	(A-4464)	400.1180	re	(A-4464)
400.220	re	(A-4464)	400.1190	re	(A-4464)
400.230	re	(A-4464)	400.1200	re	(A-4464)
400.240	re	(A-4464)	400.1210	re	(A-4464)
400.250	re	(A-4464)	400.1220	re	(A-4464)
400.260	re	(A-4464)	400.1310	re	(A-4464)
400.270	re	(A-4464)	400.1320	re	(A-4464)
400.280	re	(A-4464)	400.1330	re	(A-4464)
400.290	re	(A-4464)	400.1340	re	(A-4464)
400.310	re	(A-4464)	400.1410	re	(A-4464)
400.410	re	(A-4464)	400.1420	re	(A-4464)
400.420	re	(A-4464)	400.1430	re	(A-4464)
400.430	re	(A-4464)	400.1440	re	(A-4464)
400.440	re	(A-4464)	400.1450	re	(A-4464)
400.510	re	(A-4464)	400.1460	re	(A-4464)
400.610	re	(A-4464)	400.1470	re	(A-4464)
400.615	re	(A-4464)	400.1480	re	(A-4464)
400.620	re	(A-4464)	400.1510	re	(A-4464)
400.630	re	(A-4464)	400.1520	re	(A-4464)
400.640	re	(A-4464)	400.1530	re	(A-4464)
400.650	re	(A-4464)	400.1540	re	(A-4464)
400.660	re	(A-4464)	400.1550	re	(A-4464)
400.665	re	(A-4464)	400.1560	re	(A-4464)
400.670	re	(A-4464)	400.1570	re	(A-4464)
400.675	re	(A-4464)	400.1580	re	(A-4464)
400.680	re	(A-4464)	400.1590	re	(A-4464)
400.690	re	(A-4464)	400.1600	re	(A-4464)
400.700	re	(A-4464)	400.1610	re	(A-4464)
400.710	re	(A-4464)	400.1620	re	(A-4464)
400.720	re	(A-4464)	400.1630	re	(A-4464)
400.810	re	(A-4464)	400.1640	re	(A-4464)
400.910	re	(A-4464)	400.1650	re	(A-4464)
400.1010	re	(A-4464)	400.1660	re	(A-4464)
400.1020	re	(A-4464)	400.1670	re	(A-4464)
400.1030	re	(A-4464)	400.1680	re	(A-4464)
400.1040	re	(A-4464)	400.1690	re	(A-4464)
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450.410 am	(P-17570/92; A-3513)	450.1220	re	(A-4475)
450.410 re	(A-4475)	450.1230	re	(A-4475)
450.420 re	(A-4475)	450.1240	re	(A-4475)
450.425 n	(P-17570/92; A-3513)	450.1250	re	(A-4475)
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450.430 re	(A-4475)	450.1310	re	(A-4475)
450.440 re	(A-4475)	450.1315	re	(A-4475)
450.450 re	(A-4475)	450.1320	re	(A-4475)
450.460 re	(A-4475)	450.1325	re	(A-4475)
450.470 re	(A-4475)	450.1330	re	(A-4475)
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450.490 re	(A-4475)	450.1345	re	(A-4475)
450.610 re	(A-4475)	450.1350	re	(A-4475)
450.620 re	(A-4475)	450.1355	re	(A-4475)
450.630 re	(A-4475)	450.1360	re	(A-4475)
450.640 re	(A-4475)	450.1410	re	(A-4475)
450.650 re	(A-4475)	450.1420	re	(A-4475)
450.660 re	(A-4475)	450.1510	re	(A-4475)
450.710 re	(A-4475)	450.1520	re	(A-4475)
450.720 re	(A-4475)	450.1530	re	(A-4475)
450.730 re	(A-4475)	450.1540	re	(A-4475)
450.740 re	(A-4475)	450.1550	re	(A-4475)
450.750 re	(A-4475)	450.1560	re	(A-4475)
450.810 re	(A-4475)	450.1570	re	(A-4475)
450.820 re	(A-4475)	450.1580	re	(A-4475)
450.830 re	(A-4475)	450.1590	re	(A-4475)
450.840 re	(A-4475)	450.1595	re	(A-4475)
450.850 re	(A-4475)	450.1600	re	(A-4475)
450.860 re	(A-4475)	450.1610	re	(A-4475)
450.910 re	(A-4475)	450.1620	re	(A-4475)
450.920 re	(A-4475)	450.1630	re	(A-4475)
450.930 re	(A-4475)	450.1640	re	(A-4475)
450.940 am	(P-17570/92; A-3513)	450.1650	re	(A-4475)
450.940 re	(A-4475)	450.1660	re	(A-4475)
450.950 re	(A-4475)	450.1670	re	(A-4475)
450.1010 re	(A-4475)	450.1680	re	(A-4475)
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450.1150 re	(A-4475)	450.1760	re	(A-4475)
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1000.260 re	(A-4464)	1000.1320	re	(A-4464)
1000.270 re	(A-4464)	1000.1330	re	(A-4464)
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2013.60	am	(P-10375/92; A-1525)	2765.74	n (P-12006/92; A-308)
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122.35	n	(P-15691/92; RC-3688; A-4236)	240.1205 n	(P-3771)	1816.117 am	(P-10695/92; A-11001)	1848.16 n
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122.55	n	(P-15691/92; RC-3688; A-4236)	240.1240 n	(P-3771)	1817.49 am	(P-10726/92; A-11031)	1848.20 n
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330.4330 am	(P-1321)	395.140 am	(P-8066/92; A-2984)	672.300 am	(P-12228)
350.110 am	(P-12104)	395.150 am	(P-8066/92; A-2984)	672.310 am	(P-12228)
350.120 am	(P-12104)	395.160 am	(P-8066/92; A-2984)	672.315 am	(P-12228)
350.140 am	(P-12104)	395.170 am	(P-8066/92; A-2984)	672.405 am	(P-12228)
350.150 am	(P-12104)	395.175 n	(P-8066/92; A-2984)	672.415 am	(P-12228)
350.160 am	(P-12104)	395.180 am	(P-8066/92; A-2984)	672.420 am	(P-12228)
350.175 am	(P-1269)	395.190 am	(P-8066/92; A-2984)	672.425 am	(P-12228)
350.180 am	(P-1269)	395.200 r	(P-8066/92; A-2984)	672.435 am	(P-12228)
350.260 am	(E-2373) (P-6028)	395.300 am	(P-8066/92; A-2984)	672.440 am	(P-12228)
350.270 am	(P-1269)	395.400 am	(P-8066/92; A-2984)	672.450 am	(P-12228)
				672.505 am	(P-12228)

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TITLE 77 (CONT'D)			TITLE 77 (CONT'D)		
672.510 am	(P-12228)	695.10 am	(P-13472/92; A-2975)	790.721 am	(P-17496/92; W-7075)
672.515 am	(P-12228)	695.30 am	(P-13472/92; A-2975)	790.740 am	(P-17496/92; W-7075)
672.520 am	(P-12228)	695.50 am	(P-13472/92; A-2975)	790.756 am	(P-17496/92; W-7075)
672.600 am	(P-12228)	695.50 am	(P-13472/92; A-2975)	790.760 am	(P-17496/92; W-7075)
672.605 am	(P-12228)	695.50 am	(P-13472/92; A-2975)	790.780 am	(P-17496/92; W-7075)
672.610 am	(P-12228)	697.20 am	(E-1204) (P-2687)	790.788 am	(P-17496/92; W-7075)
672.615 am	(P-12228)	697.30 am	(P-723)	790.798 am	(P-17496/92; W-7075)
672.620 am	(P-12228)	750.540 am	(P-723)	790.799 am	(P-17496/92; W-7075)
672.640 am	(P-12228)	750.1810 am	(P-723)	790.815 am	(P-17496/92; W-7075)
672.645 am	(P-12228)	750.1820 am	(P-723)	790.820 am	(P-17496/92; W-7075)
672.650 am	(P-12228)	750.1830 am	(P-723)	790.830 am	(P-17496/92; W-7075)
672.660 am	(P-12228)	750.1855 am	(P-723)	790.860 am	(P-17496/92; W-7075)
672.665 am	(P-12228)	750.1865 am	(P-723)	790.900 am	(P-17496/92; W-7075)
682.100 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.905 am	(P-17496/92; W-7075)
682.130 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.910 am	(P-17496/92; W-7075)
682.140 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.920 am	(P-17496/92; W-7075)
682.150 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.940 am	(P-17496/92; W-7075)
682.170 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.974 am	(P-17496/92; W-7075)
682.195 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.980 am	(P-17496/92; W-7075)
682.200 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1020 am	(P-17496/92; W-7075)
682.210 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1060 am	(P-17496/92; W-7075)
682.215 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1100 am	(P-17496/92; W-7075)
682.230 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1107 am	(P-17496/92; W-7075)
682.250 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1112 am	(P-17496/92; W-7075)
682.260 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1125 am	(P-17496/92; W-7075)
682.320 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1129 am	(P-17496/92; W-7075)
682.410 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1131 am	(P-17496/92; W-7075)
682.420 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1140 am	(P-17496/92; W-7075)
682.440 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1180 am	(P-17496/92; W-7075)
682.450 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1200 am	(P-17496/92; W-7075)
682.460 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1220 am	(P-17496/92; W-7075)
682.470 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1260 am	(P-17496/92; W-7075)
682.480 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1300 am	(P-17496/92; W-7075)
682.490 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1345 am	(P-17496/92; W-7075)
682.500 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1350 am	(P-17496/92; W-7075)
682.510 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1360 am	(P-17496/92; W-7075)
682.520 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1386 am	(P-17496/92; W-7075)
682.530 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1388 am	(P-17496/92; W-7075)
682.540 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1400 am	(P-17496/92; W-7075)
682.550 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1410 am	(P-17496/92; W-7075)
682.560 am	(P-13428/92; A-8825)	750.1865 am	(P-723)	790.1420 am	(P-1749

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TITLE 77 (CONT'D)				TITLE 77 (CONT'D)			
790.1950	am	(P-17496/92; W-7075)	790.2618	am	(P-17496/92; W-7075)	790.3914	am
		(P-7198) (E-7283)		r	(P-7198) (E-7283)		r
790.1960	r	(P-7198) (E-7283)	790.2620	r	(P-7198) (E-7283)	790.3920	r
		(P-17496/92; W-7075)	790.2645	r	(P-7198) (E-7283)	790.3945	am
	am	(P-7198) (E-7283)	790.2655	r	(P-7198) (E-7283)		
	r	(P-7198) (E-7283)	790.2660	r	(P-7198) (E-7283)		r
790.1980	r	(P-7198) (E-7283)	790.2666	r	(P-7198) (E-7283)	790.3940	r
		(P-17496/92; W-7075)	790.2661	am	(P-17496/92; W-7075)		
790.2020	r	(P-7198) (E-7283)			(P-7198) (E-7283)	790.3945	r
790.2060	r	(P-7198) (E-7283)		r	(P-17496/92; W-7075)	790.3960	r
790.2084	r	(P-7198) (E-7283)		am	(P-7198) (E-7283)	790.3980	r
790.2086	n	(P-17496/92; W-7075)	790.2662	am	(P-7198) (E-7283)	790.3996	r
		(P-7198) (E-7283)		r	(P17496/92; W-7075)	790.4012	r
		(P-7198) (E-7283)	790.2663	r	(P-7198) (E-7283)	790.4020	r
790.2092	r	(P-7198) (E-7283)	790.2668	r	(P-7198) (E-7283)	790.4040	r
790.2097	r	(P-7198) (E-7283)	790.2672	r	(P-7198) (E-7283)	790.4060	r
790.2100	r	(P-7198) (E-7283)	790.2700	r	(P-7198) (E-7283)	790.4100	am
790.2130	r	(P-7198) (E-7283)	790.2740	r	(P-17496/92; W-7075)		
790.2140	r	(P-7198) (E-7283)	790.2780	r	(P-7198) (E-7283)	790.4140	r
790.2155	r	(P-7198) (E-7283)	790.2800	r	(P-7198) (E-7283)	790.4150	r
790.2180	r	(P-7198) (E-7283)	790.2805	r	(P-7198) (E-7283)	790.4173	r
790.2220	r	(P-7198) (E-7283)	790.2820	r	(P-17496/92; W-7075)		
790.2260	r	(P-7198) (E-7283)	790.2860	r	(P-7198) (E-7283)	790.4200	r
790.2300	r	(P-7198) (E-7283)	790.2900	r	(P-7198) (E-7283)	790.4220	am
790.2340	r	(P-7198) (E-7283)	790.2902	r	(P-7198) (E-7283)		
790.2380	r	(P-7198) (E-7283)	790.2904	r	(P-7198) (E-7283)	790.4260	r
790.2390	r	(P-7198) (E-7283)	790.2908	r	(P-7198) (E-7283)	790.4300	r
790.2420	r	(P-7198) (E-7283)	790.2915	r	(P-7198) (E-7283)	790.4340	r
790.2460	r	(P-7198) (E-7283)	790.2928	am	(P-7198) (E-7283)	790.4380	am
790.2462	am	(P-17496/92; W-7075)			(P-7198) (E-7283)		
	r	(P-7198) (E-7283)	790.2932	am	(P-7198) (E-7283)	790.4382	#
790.2465	am	(P-17496/92; W-7075)		r	(P-17496/92; W-7075)	790.4384	#
	r	(P-7198) (E-7283)	790.2940	r	(P-7198) (E-7283)		
790.2470	r	(P-7198) (E-7283)	790.2980	r	(P-7198) (E-7283)	790.4385	r
790.2485	r	(P-7198) (E-7283)	790.3020	r	(P-7198) (E-7283)	790.4396	r
790.2500	r	(P-7198) (E-7283)	790.3021	r	(P-7198) (E-7283)	790.4398	r
790.2510	r	(P-7198) (E-7283)	790.3023	r	(P-7198) (E-7283)	790.4420	r
790.2540	r	(P-7198) (E-7283)	790.3025	r	(P-17496/92; W-7075)	790.4430	r
790.2555	r	(P-7198) (E-7283)	790.3027	am	(P-7198) (E-7283)	790.4360	r
		(P-7198) (E-7283)		r	(P-7198) (E-7283)	790.4395	r
790.2580	r	(P-7198) (E-7283)			(P-7198) (E-7283)	790.4500	r
790.2583	r	(P-7198) (E-7283)	790.3028	r	(P-7198) (E-7283)	790.4540	r
790.2585	r	(P-7198) (E-7283)	790.3029	r	(P-7198) (E-7283)	790.4580	r
790.2587	n	(P-17496/92; W-7075)	790.3030	r	(P-7198) (E-7283)	790.4620	r
790.2600	n	(P-17496/92; W-7075)	790.3032	r	(P-7198) (E-7283)	790.4665	r
790.2603	r	(P-7198) (E-7283)	790.3033	r	(P-7198) (E-7283)	790.4667	r
790.2605	am	(P-17496/92; W-7075)	790.3038	r	(P-7198) (E-7283)		
	r	(P-7198) (E-7283)	790.3042	r	(P-7198) (E-7283)	790.4670	r
790.2613	am	(P-17496/92; W-7075)	790.3048	r	(P-17496/92; W-7075)		
	r	(P-7198) (E-7283)	790.3049	r	(P-7198) (E-7283)	790.4670	r
790.2614	r	(P-7198) (E-7283)	790.3051	r	(P-7198) (E-7283)		
790.2617	r	(P-7198) (E-7283)	790.3054	r	(P-7198) (E-7283)	790.4670	r
			790.3056	r	(P-7198) (E-7283)		

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790.4700 r	(P-7198) (E-7283)	790.5660 r	790.6430 am	(P-17496/92; W-7075)	790.7220 r
790.4720 am	(P-17496/92; W-7075)	790.5700 r	790.6435 r	(P-7198) (E-7283)	790.7221 am
790.4725 r	(P-7198) (E-7283)	790.5720 r	790.6445 r	(P-7198) (E-7283)	790.7223 r
790.4728 am	(P-7198) (E-7283)	790.5740 r	790.6450 r	(P-7198) (E-7283)	790.7229 r
790.4740 r	(P-17496/92; W-7075)	790.5780 r	790.6452 r	(P-7198) (E-7283)	790.7245 am
790.4780 r	(P-7198) (E-7283)	790.5788 am	790.6454 r	(P-7198) (E-7283)	790.7260 r
790.4820 r	(P-7198) (E-7283)	790.5792 r	790.6456 r	(P-7198) (E-7283)	790.7263 am
790.4840 r	(P-7198) (E-7283)	790.5795 r	790.6460 r	(P-7198) (E-7283)	790.7265 am
790.4860 r	(P-7198) (E-7283)	790.5800 r	790.6480 r	(P-7198) (E-7283)	790.7272 r
790.4900 am	(P-17496/92; W-7075)	790.5802 r	790.6500 r	(P-7198) (E-7283)	790.7278 am
790.4940 r	(P-7198) (E-7283)	790.5807 r	790.6505 am	(P-17496/92; W-7075)	790.7280 am
790.4960 r	(P-7198) (E-7283)	790.5820 r	790.6540 r	(P-7198) (E-7283)	790.7284 r
790.4963 r	(P-7198) (E-7283)	790.5830 r	790.6544 r	(P-7198) (E-7283)	790.7288 r
790.4965 r	(P-7198) (E-7283)	790.5835 r	790.6570 r	(P-17496/92; W-7075)	790.7291 r
790.4980 r	(P-7198) (E-7283)	790.5837 r	790.6580 am	(P-7198) (E-7283)	790.7294 r
790.5020 r	(P-7198) (E-7283)	790.5840 r	790.6610 am	(P-17496/92; W-7075)	790.7296 r
790.5030 r	(P-7198) (E-7283)	790.5860 r	790.6620 r	(P-7198) (E-7283)	790.7300 r
790.5060 r	(P-7198) (E-7283)	790.5872 am	790.6621 r	(P-7198) (E-7283)	790.7340 r
790.5100 r	(P-7198) (E-7283)	790.5893 r	790.6660 r	(P-7198) (E-7283)	790.7380 r
790.5140 r	(P-7198) (E-7283)	790.5900 r	790.6670 r	(P-7198) (E-7283)	790.7400 r
790.5180 r	(P-7198) (E-7283)	790.5924 r	790.6700 r	(P-7198) (E-7283)	790.7420 r
790.5220 am	(P-17496/92; W-7075)	790.5940 am	790.6740 r	(P-17496/92; W-7075)	790.7460 r
790.5260 r	(P-7198) (E-7283)	790.5980 r	790.6780 r	(P-7198) (E-7283)	790.7500 r
790.5300 r	(P-7198) (E-7283)	790.5992 r	790.6800 r	(P-7198) (E-7283)	790.7510 r
790.5312 r	(P-7198) (E-7283)	790.6020 r	790.6820 r	(P-7198) (E-7283)	790.7520 n
790.5320 am	(P-17496/92; W-7075)	790.6060 r	790.6860 r	(P-7198) (E-7283)	790.7540 r
790.5340 r	(P-7198) (E-7283)	790.6100 r	790.6875 r	(P-7198) (E-7283)	790.7580 r
790.5380 r	(P-7198) (E-7283)	790.6140 r	790.6885 r	(P-7198) (E-7283)	790.7620 r
790.5420 r	(P-7198) (E-7283)	790.6180 am	790.6895 r	(P-7198) (E-7283)	790.7660 r
790.5460 r	(P-7198) (E-7283)	790.6220 r	790.6900 r	(P-7198) (E-7283)	790.7700 r
790.5483 r	(P-17496/92; W-7075)	790.6260 r	790.6946 r	(P-7198) (E-7283)	790.7740 r
790.5500 am	(P-7198) (E-7283)	790.6277 r	790.6960 r	(P-7198) (E-7283)	790.7780 r
790.5520 r	(P-7198) (E-7283)	790.6280 am	790.6980 r	(P-7198) (E-7283)	790.7820 r
790.5530 r	(P-7198) (E-7283)	790.6284 r	790.7020 r	(P-7198) (E-7283)	790.7834 r
790.5540 am	(P-17496/92; W-7075)	790.6300 r	790.7060 r	(P-7198) (E-7283)	790.7860 r
790.5544 r	(P-7198) (E-7283)	790.6340 r	790.7100 r	(P-7198) (E-7283)	790.7875 n
790.5555 r	(P-7198) (E-7283)	790.6370 am	790.7120 r	(P-7198) (E-7283)	790.7900 r
790.5560 r	(P-7198) (E-7283)	790.6375 r	790.7130 r	(P-7198) (E-7283)	790.7940 r
790.5580 r	(P-7198) (E-7283)	790.6380 r	790.7140 r	(P-7198) (E-7283)	790.7980 r
790.5620 r	(P-7198) (E-7283)	790.6420 r	790.7160 r	(P-7198) (E-7283)	790.8015 r
790.5640 r	(P-7198) (E-7283)		790.7180 r	(P-17496/92; W-7075)	790.8020 r
			790.7181 r	(P-7198) (E-7283)	790.8030 am
					790.8060 r

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790.8100	r	(P-7198) (E-7283)	790.9070	am	(P-7198) (E-7283)	1120.120	n	(P-5205/92; RC-1244; A-4431)
790.8106	r	(P-7198) (E-7283)	790.9084	r	(P-7198) (E-7283)	1120.130	n	(P-5205/92; A-4431)
790.8136	r	(P-7198) (E-7283)	790.9100	r	(P-7198) (E-7283)	1120.210	n	(P-5205/92; A-4431)
790.8140	r	(P-7198) (E-7283)	790.9140	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8180	r	(P-7198) (E-7283)	790.9180	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8220	r	(P-7198) (E-7283)	790.9220	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8232	r	(P-7198) (E-7283)	790.9260	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8244	r	(P-7198) (E-7283)	790.9300	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8248	am	(P-17496/92; W-7075)	790.9320	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8260	r	(P-7198) (E-7283)	790.9340	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8290	r	(P-7198) (E-7283)	790.9380	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8300	r	(P-7198) (E-7283)	790.9420	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8340	r	(P-7198) (E-7283)	790.9460	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8378	r	(P-7198) (E-7283)	790.9478	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8380	r	(P-7198) (E-7283)	790.9486	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8420	r	(P-7198) (E-7283)	790.9500	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8460	r	(P-7198) (E-7283)	790.9520	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8500	r	(P-7198) (E-7283)	790.9530	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8540	r	(P-7198) (E-7283)	790.9540	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8580	am	(P-17496/92; W-7075)	790.9580	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8590	r	(P-7198) (E-7283)	790.9620	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8620	r	(P-7198) (E-7283)	790.9660	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8660	r	(P-7198) (E-7283)	790.9800	r	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8700	r	(P-7198) (E-7283)	840.20	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8710	am	(P-17496/92; W-7075)	840.115	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8724	r	(P-7198) (E-7283)	840.210	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8727	r	(P-7198) (E-7283)	840.215	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8740	r	(P-7198) (E-7283)	840.305	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8780	r	(P-7198) (E-7283)	840.310	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8820	r	(P-7198) (E-7283)	840.310	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8835	n	(P-17496/92; W-7075)	840.310	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8860	r	(P-7198) (E-7283)	840.310	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8900	r	(P-7198) (E-7283)	840.310	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8940	r	(P-7198) (E-7283)	840.310	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.8980	r	(P-7198) (E-7283)	840.310	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.9020	r	(P-7198) (E-7283)	840.310	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.9035	am	(P-17496/92; W-7075)	840.310	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.9045	am	(P-7198) (E-7283)	840.310	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.9048	r	(P-7198) (E-7283)	840.310	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.9050	am	(P-17496/92; W-7075)	840.310	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.9056	r	(P-7198) (E-7283)	840.310	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)
790.9060	r	(P-7198) (E-7283)	840.310	am	(P-7198) (E-7283)	1120.310	n	(P-5205/92; RC-1244; A-4431)

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TITLE 77 (CONT'D)				TITLE 80 (CONT'D)			
1235.40	n	(E-432; O-3056) (P-683; A-8498)	2080.140 am	(P-11367/92; A-11424 M-11872)	310.130 am	650.12 n	(P-6635)
1235.50	n	(E-432; O-3056) (P-683; A-8498)	2080.150 am	(P-11367/92; A-11424 M-11872)	310.210 am	650.13 n	(P-6635)
1235.100	n	(E-432; O-3056) (P-683; A-8498)	2080.160 am	(P-11367/92; A-11424 M-11872)	310.230 am	1200.10 am	(P-3703)
1235.110	n	(E-432; O-3056) (P-683; A-8498)	2080.170 am	(P-11367/92; A-11424 M-11872)	310.270 am	1200.20 am	(P-3703)
1235.200	n	(E-432; O-3056) (P-683; A-8498)	2090.20 am	(P-8599)	310.290 am	1200.30 am	(P-3703)
1235.210	n	(E-432; O-3056) (P-683; A-8498)	2090.35 am	(P-8599)	310.320 am	1200.40 am	(P-3703)
1235.210	n	(E-432; O-3056) (P-683; A-8498)	2090.40 am	(P-8599)	310.450 am	1200.60 am	(P-3703)
1235.220	n	(E-432; O-3056) (P-683; A-8498)	2090.41 am	(P-8599)	310.470 am	1200.80 am	(P-3703)
1235.230	n	(E-432; O-3056) (P-683; A-8498)	2090.42 am	(P-8599)	310.530 am	1200.90 am	(P-3703)
1235.240	n	(E-432; O-3056) (P-683; A-8498)	2090.43 am	(P-8599)	310.540 am	1200.120 am	(P-3703)
1235.250	n	(E-432; O-3056) (P-683; A-8498)	2090.70 am	(P-8599)	310.540 am	1200.130 am	(P-3703)
1235.300	n	(E-432; O-3056) (P-683; A-8498)	2090.90 am	(P-8599)	310.540 am	1200.140 am	(P-3703)
1235.310	n	(E-432; O-3056) (P-683; A-8498)	2090.100 am	(P-8599)	310.540 am	1200.150 am	(P-3703)
1235.320	N	(P-5225/92; A-5880)	2510.50 am	(P-18913/92; A-9700)	.Th.C am	1210.10 am	(P-3734)
1240.10	r	(P-5225/92; A-5880)	2510.55 am	(P-18913/92; A-9700)	.Th.D am	1210.100 am	(P-3734)
1240.20	r	(P-5225/92; A-5880)	2510.60 am	(P-1695; A-9896)	.Th.E am	1210.140 am	(P-3734)
1240.30	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	.Th.F am	1210.160 am	(P-3734)
1240.40	r	(P-5225/92; A-5880)	2510.70 am	(P-1695; A-9896)	.Th.G am	1210.170 am	(P-3734)
1240.50	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	.Th.M n	1210.180 am	(P-3734)
1240.60	r	(P-5225/92; A-5880)	2510.70 am	(P-1695; A-9896)	.Th.N am	1220.10 am	(P-3755)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	.Th.O am	1220.30 am	(P-3755)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	.Th.P am	1220.40 am	(P-3755)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	.Th.Q am	1220.50 am	(P-3755)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	.Th.U am	1220.60 am	(P-3755)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	310. Ap.B am	1220.70 am	(P-3755)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	310. Ap.C am	1220.80 n	(P-3755)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	310. Ap.D am	1220.90 n	(P-3755)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	420.330 am	1220.100 n	(P-3755)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.10 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.80 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.90 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.150 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.160 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.180 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.190 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	1230.220 am	(P-3718)
1240.70	r	(P-5225/92; A-5880)	2510.70 am	(E-2031)	620.130 am	12	

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1650.520	am	(P-12384/92; A-1631)	745.110	792.30	n	(P-11988)	105.700
1650.570	am	(P-12384/92; A-1631)	745.200	792.40	n	(P-11988)	105.800
1650.620	am	(P-12384/92; A-1631)	745.210	792.50	n	(P-11988)	105.810
1650.630	am	(P-12384/92; A-1631)	745.221				105.900
1650.640	am	(P-12384/92; A-1631)	745.225				105.910
1650.650	am	(P-12384/92; A-1631)	745.300	100.3100	am	(P-222; A-8869)	105.920
2160.120	am	(P-3577; A-11441)	745.Ex.B			(E-473)	105.1000
2160.130	am	(P-3577; A-11441)	755.10	100.3400	am	(P-222; A-8869)	105.1010
2160.210	am	(P-3577; A-11441)	755.105	100.3700	am	(E-473)	110.115
2160.220	am	(P-3577; A-11441)	755.500	100.3750	n	(P-6619; P-9870)	130.535
2160.250	am	(P-3577; A-11441)	755.505	100.7010	am	(P-9870)	130.1001
2160.310	am	(P-3577; A-11441)	755.510			(P-222; A-8869)	130.1801
2160.320	am	(P-3577; A-11441)	755.515	100.9005	am	(E-473)	130.220
2160.325	am	(P-3577; A-11441)	755.520	105.100	n	(P-6945)	130.220
2160.330	am	(P-3577; A-11441)	755.525	105.110	n	(P-219; A-7031) (E-445)	150.7b.A
2160.410	am	(P-3577; A-11441)	755.Ex.A	105.120	n	(P-9854)	210.101
2160.510	am	(P-3577; A-11441)	755.Ex.B	105.200	n	(P-219; A-7031) (E-445)	210.105
2160.610	am	(P-3577; A-11441)	755.Ex.C	105.220	n	(P-219; A-7031) (E-445)	210.110
2160.620	am	(P-3577; A-11441)	755.Ex.D	105.230	n	(P-219; A-7031) (E-445)	210.115
2650.1	am	(P-2449)	755.Ex.E	105.300	am	(P-9854)	210.120
2650.10	am	(P-2449)	755.Ex.F	105.310	n	(P-219; A-7031) (E-445)	210.125
2650.15	am	(P-2449)	755.Ex.G	105.330	n	(P-219; A-7031) (E-445)	210.126
2650.25	am	(P-2449)	755.Ex.H	105.340	n	(P-219; A-7031) (E-445)	210.130
2650.30	am	(P-2449)	755.Ex.I	105.400	n	(P-219; A-7031) (E-445)	530.115
2650.40	n	(P-2449)	755.Ex.J	105.410	n	(P-9854)	530.125
2650.50	n	(P-2449)	755.Ex.K	105.420	n	(P-219; A-7031) (E-445)	535.101
2650.60	n	(P-2449)	755.Ex.L	105.430	n	(P-9854)	535.105
2650.70	n	(P-2449)	755.Ex.M	105.440	n	(P-219; A-7031) (E-445)	535.110
			755.Ex.N	105.450	n	(P-9854)	535.115
			756.15	105.460	n	(P-219; A-7031) (E-445)	535.120
			756.20	105.470	n	(P-9854)	535.125
			756.30	105.500	n	(P-219; A-7031) (E-445)	535.130
			756.100	105.510	n	(P-219; A-7031) (E-445)	535.135
			756.110	105.520	n	(P-9854)	535.140
			756.115	105.520	n	(P-219; A-7031) (E-445)	535.145
			756.116	105.600	n	(P-9854)	750.100
			756.120	105.600	n	(P-219; A-7031) (E-445)	750.200
			756.125	105.600	n	(P-9854)	750.300
			756.200	105.600	n	(P-219; A-7031) (E-445)	750.400
			756.210	105.600	n	(P-9854)	750.500
			756.220	105.600	n	(P-219; A-7031) (E-445)	750.600
			756.225	105.600	n	(P-9854)	750.700
			756.300	105.600	n	(P-219; A-7031) (E-445)	750.800
			792.10	105.600	n	(P-219; A-7031) (E-445)	750.900
			792.20	105.600	n	(P-9854)	1000.100
				105.500	n	(P-219; A-7031) (E-445)	3000.100
				105.510	n	(P-219; A-7031) (E-445)	3000.101
				105.520	n	(P-9854)	3000.110
				105.520	n	(P-219; A-7031) (E-445)	3000.115
				105.600	n	(P-219; A-7031) (E-445)	3000.140
					</		

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TITLE 86 (CONT'D)			TITLE 89 (CONT'D)		
3000.1141 n	(P-19681; A-11510)	n	3000.1130 n	(P-19681; A-11510)	n
3000.1141 n	(P-19681; A-11510)	n	3000.1135 n	(P-19681; A-11510)	n
3000.1140 am	(P-19681; A-11510)	n	3000.1140 n	(P-19681; A-11510)	n
3000.1165 am	(P-19681; A-11510)	n	3000.1145 n	(P-19681; A-11510)	n
3000.200 am	(P-19681; A-11510)	n	3000.1146 n	(P-19681; A-11510)	n
3000.210 am	(P-19681; A-11510)	n	3000.1150 n	(P-19681; A-11510)	n
3000.220 am	(P-19681; A-11510)	n	3000.1155 n	(P-19681; A-11510)	n
3000.230 am	(P-19681; A-11510)	n			
3000.231 n	(P-19681; A-11510)	n	TITLE 89		
3000.235 am	(P-19681; A-11510)	n	103.25 n	(P-14178/92; A-655)	n
3000.240 am	(P-19681; A-11510)	n	103.35 n	(P-14178/92; A-655)	n
3000.245 am	(P-19681; A-11510)	am	104.216 am	(P-540; A-7025) (E-659)	am
3000.250 am	(P-19681; A-11510)	am	110.30 am	(P-13207/92; A-640)	am
3000.281 am	(P-19681; A-11510)	am	111.101 am	(P-16491/92; A-3213)	am
3000.282 am	(P-19681; A-11510)	am	112.9 am	(P-13381/92; A-813)	am
3000.300 am	(P-19681; A-11510)	am	112.64 am	(P-10705)	am
3000.320 am	(P-19681; A-11510)	am			
3000.400 am	(P-19681; A-11510)	am	112.70 am	(P-3335/92; A-357)	am
3000.405 am	(P-19681; A-11510)	am			
3000.410 am	(P-19681; A-11510)	am	112.71 am	(P-10705)	am
3000.415 am	(P-19681; A-11510)	am			
3000.430 am	(P-19681; A-11510)	am	112.72 am	(P-3335/92; A-357)	am
3000.431 n	(P-19681; A-11510)	n	112.74 am	(P-3335/92; A-357)	am
3000.435 am	(P-19681; A-11510)	am	112.78 am	(P-3335/92; A-357)	am
3000.440 am	(P-19681; A-11510)	am			
3000.445 n	(P-19681; A-11510)	n	112.79 am	(P-3335/92; A-357)	am
3000.600 am	(P-19681; A-11510)	am	112.81 am	(P-10705)	am
3000.620 am	(P-19681; A-11510)	am	112.82 am	(P-3335/92; A-357)	am
3000.635 am	(P-19681; A-11510)	am	112.127 am	(P-19642/92; A-6792)	am
3000.730 am	(P-19681; A-11510)	am	112.130 am	(P-10705)	am
3000.800 am	(P-19681; A-11510)	am	112.137 am	(P-10705)	am
3000.850 am	(P-19681; A-11510)	am	112.141 am	(P-10705)	am
3000.1000 am	(P-19681; A-11510)	am	112.142 am	(P-10705)	am
3000.1010 am	(P-19681; A-11510)	am	112.143 am	(P-10705)	am
3000.1020 am	(P-19681; A-11510)	am	112.144 am	(P-7745)	am
3000.1030 am	(P-19681; A-11510)	am	112.145 am	(P-5436) (P-10705)	am
3000.1040 am	(P-19681; A-11510)	am	112.151 am	(P-5436)	am
3000.1050 am	(P-19681; A-11510)	am	112.152 am	(P-10705)	am
3000.1070 am	(P-19681; A-11510)	am	112.153 am	(P-18216/92; A-4312)	am
3000.1071 am	(P-19681; A-11510)	am	112.154 r	(P-14522/92; A-813)	r
3000.1072 am	(P-19681; A-11510)	am	112.250 am	(P-46)	am
3000.1100 n	(P-19681; A-11510)	n	112.252 am	(P-46)	am
3000.1105 n	(P-19681; A-11510)	n	112.253 am	(P-46)	am
3000.1110 n	(P-19681; A-11510)	n	112.254 am	(P-46)	am
3000.1115 n	(P-19681; A-11510)	n	112.302 am	(P-10705)	am
3000.1120 n	(P-19681; A-11510)	n	112.303 am	(P-10705)	am
3000.1125 n	(P-19681; A-11510)	n	112.330 am	(P-15277/92; A-2253)	am
3000.1126 n	(P-19681; A-11510)	n			
			112.370 n	(P-10705)	n
				(P-6026) (E-6325)	

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TITLE 89 (CONT'D)			TITLE 89 (CONT'D)			TITLE 89 (CONT'D)			TITLE 89 (CONT'D)		
140.700	am	(P-7576/92; A-1112)	148.250	am	(P-14540/92; A-3296)	240.1800	am	(P-15203/92; A-6090)	336.160	n	(P-7963/92; A-1026)
140.706	am	(P-15296/92; A-2951)	148.260	am	(P-14540/92; A-3296)	240.1850	am	(P-15203/92; A-6090)	336.170	n	(P-7963/92; A-1026)
144.5	am	(P-2477; A-11480)	148.270	am	(P-14540/92; A-3296)	240.2020	am	(P-15203/92; A-6090)	337.10	n	(P-7999/92; A-1046)
144.25	am	(P-2477; A-11480)	148.280	am	(P-14540/92; A-3296)	240.2050	am	(P-15203/92; A-6090)	337.20	n	(P-7999/92; A-1046)
144.50	am	(P-2477; A-11480)	148.290	am	(P-14540/92; A-3296)	302.20	am	(P-7565/92; A-274)	337.30	n	(P-7999/92; A-1046)
144.75	am	(P-2477; A-11480)	148.310	am	(P-9840)	302.310	am	(P-2460) (E-2513)	337.40	n	(P-7999/92; A-1046)
144.125	am	(P-2477; A-11480)	148.320	am	(P-14540/92; A-3296)	304.2	am	(P-7545/92; A-251)	337.50	n	(P-7999/92; A-1046)
144.150	am	(P-2477; A-11480)	149.10	n	(P-14535/92; A-3217)	309.1	r	(P-7982/92; A-1044)	337.60	n	(P-7999/92; A-1046)
144.175	am	(P-2477; A-11480)	149.25	am	(P-14535/92; A-3217)	309.2	r	(P-7982/92; A-1044)	337.70	n	(P-7999/92; A-1046)
144.205	am	(P-2477; A-11480)	149.50	am	(P-14535/92; A-3217)	309.3	r	(P-7982/92; A-1044)	337.80	n	(P-7999/92; A-1046)
144.230	n	(P-899; A-8478)	149.75	am	(P-14535/92; A-3217)	309.4	r	(P-7982/92; A-1044)	337.90	n	(P-7999/92; A-1046)
144.250	am	(P-2477; A-11480)	149.100	am	(P-14535/92; A-3217)	309.5	r	(P-7982/92; A-1044)	337.100	n	(P-7999/92; A-1046)
147.5	am	(P-1716; A-8486)	149.105	am	(P-14535/92; A-3217)	309.6	r	(P-7982/92; A-1044)	337.110	n	(P-7999/92; A-1046)
147.25	am	(P-5471)	149.125	am	(P-14535/92; A-3217)	309.7	r	(P-7982/92; A-1044)	337.120	n	(P-7999/92; A-1046)
147.50	am	(P-5471)	149.140	n	(P-14535/92; A-3217)	309.8	r	(P-7982/92; A-1044)	337.130	n	(P-7999/92; A-1046)
147.150	am	(P-13215/92; A-1128)	149.150	am	(P-9829)	309.9	r	(P-7982/92; A-1044)	337.140	n	(P-7999/92; A-1046)
147.205	am	(P-5471)	160.1	am	(P-3820)	309.10	r	(P-7982/92; A-1044)	337.150	n	(P-7999/92; A-1046)
147.7b.A	am	(P-5471)	160.5	am	(P-3820)	309.11	r	(P-7982/92; A-1044)	337.160	n	(P-7999/92; A-1046)
147.7b.B	am	(P-5471)	160.15	n	(P-3820)	309.12	r	(P-7982/92; A-1044)	337.170	n	(P-7999/92; A-1046)
147.7b.C	am	(P-1716; A-8486)	160.25	n	(P-3820)	309.13	r	(P-7982/92; A-1044)	337.180	n	(P-7999/92; A-1046)
147.7b.D	am	(P-5471)	160.65	am	(P-3820)	309.14	r	(P-7982/92; A-1044)	337.190	n	(P-7999/92; A-1046)
147.7b.E	am	(P-5471)	160.77	n	(P-3820)	309.15	r	(P-7982/92; A-1044)	337.200	n	(P-7999/92; A-1046)
147.7b.F	am	(P-1716; A-8486)	160.85	n	(P-8892/92; A-2272)	309.16	r	(P-7982/92; A-1044)	337.210	n	(P-7999/92; A-1046)
147.7b.G	r	(P-5471)	165.70	am	(P-2110; A-8187)	309.17	r	(P-7982/92; A-1044)	337.220	n	(P-7999/92; A-1046)
148.25	n	(P-14540/92; A-3296)	165.104	am	(P-6614)	309.18	r	(P-7982/92; A-1044)	337.230	n	(P-7999/92; A-1046)
148.30	am	(P-14540/92; A-3296)	170.10	n	(P-10736)	309.19	r	(P-7982/92; A-1044)	337.240	n	(P-7999/92; A-1046)
148.40	am	(P-14540/92; A-3296)	170.20	n	(P-10736)	309.20	r	(P-7982/92; A-1044)	337.250	n	(P-7999/92; A-1046)
148.50	am	(P-14540/92; A-3296)	170.30	n	(P-10736)	309.21	r	(P-7982/92; A-1044)	354.2	r	(P-8099)
148.60	am	(P-14540/92; A-3296)	170.40	n	(P-10736)	309.22	r	(P-7982/92; A-1044)	354.3	r	(P-8099)
148.70	am	(P-14540/92; A-3296)	170.50	am	(P-10736)	309.23	r	(P-7982/92; A-1044)	354.4	r	(P-8099)
148.80	am	(P-10868/92; A-131)	220.625	am	(P-883; A-8472) (E-1179)	330.5	am	(P-1259; A-11457)	354.5	r	(P-8099)
148.80	r	(P-6935)	220.635	am	(P-883; A-8472) (E-1179)	330.6	am	(P-6681)	354.6	r	(P-8099)
148.82	n	(P-12826/92; RC-6549; A-6649)	240.729	n	(P-12251/92; A-224)	335.208	n	(P-7963/92; A-1026)	356.5	am	(P-10679)
148.120	am	(P-14540/92; A-3296)	240.1510	am	(P-15203/92; A-6090)	336.10	n	(P-7963/92; A-1026)	376.1	r	(P-8104)
148.130	am	(P-14540/92; A-3296)	240.1520	am	(P-15203/92; A-6090)	336.20	n	(P-7963/92; A-1026)	376.2	r	(P-8104)
148.140	am	(P-14540/92; A-3296)	240.1530	am	(P-15203/92; A-6090)	336.30	n	(P-7963/92; A-1026)	376.3	r	(P-8104)
148.150	am	(P-14540/92; A-3296)	240.1535	am	(P-15203/92; A-6090)	336.40	n	(P-7963/92; A-1026)	377.2	am	(P-7553/92; A-259)
148.160	am	(P-14540/92; A-3296)	240.1540	am	(P-15203/92; A-6090)	336.50	n	(P-7963/92; A-1026)	377.4	am	(P-7553/92; A-259)
148.170	am	(P-14540/92; A-3296)	240.1545	am	(P-15203/92; A-6090)	336.60	n	(P-7963/92; A-1026)	378.1	r	(P-7561/92; A-272)
148.180	am	(P-14540/92; A-3296)	240.1550	am	(P-15203/92; A-6090)	336.70	n	(P-7963/92; A-1026)	378.2	r	(P-7561/92; A-272)
148.190	am	(P-14540/92; A-3296)	240.1555	am	(P-15203/92; A-6090)	336.80	n	(P-7963/92; A-1026)	378.3	r	(P-7561/92; A-272)
148.200	am	(P-14540/92; A-3296)	240.1560	am	(P-15203/92; A-6090)	336.90	n	(P-7963/92; A-1026)	378.4	r	(P-7561/92; A-272)
148.210	am	(P-14540/92; A-3296)	240.1565	am	(P-15203/92; A-6090)	336.100	n	(P-7963/92; A-1026)	402.15	am	(P-11707/92; A-267)
148.220	am	(P-14540/92; A-3296)	240.1570	am	(P-15203/92; A-6090)	336.110	n	(P-7963/92; A-1026)	406.12	am	(P-11964)
148.230	am	(P-14540/92; A-3296)	240.1575	am	(P-15203/92; A-6090)	336.120	n	(P-7963/92; A-1026)	406.13	am	(P-11964)
148.240	am	(P-14540/92; A-3296)	240.1580	am	(P-15203/92; A-6090)	336.130	n	(P-7963/92; A-1026)	406.14	am	(P-11964)
			240.1585	am	(P-15203/92; A-6090)	336.140	n	(P-7963/92; A-1026)	407.20	am	(P-11955)
			240.1590	am	(P-15203/92; A-6090)	336.150	n	(P-7963/92; A-1026)	407.29	am	(P-11955)

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408.60	am	(P-11976)	515.450	n	(P-11378) (E-11589)
408.65	am	(P-11976)	525.500	n	(P-947; A-9980)
408.70	am	(P-11976)	530.5	am	(P-11394) (E-11701)
434.1	am	(P-7115)	530.10	am	(P-11394) (E-11701)
434.2	am	(P-7115)	530.110	am	(P-11394) (E-11701)
434.3	am	(P-7115)	530.130	am	(P-11394) (E-11701)
434.4	am	(P-7115)	530.140	am	(P-11394) (E-11701)
434.5	am	(P-7115)	530.200	am	(P-11394) (E-11701)
434.6	am	(P-7115)	530.230	am	(P-11394) (E-11701)
434.7	am	(P-7115)	530.240	am	(P-11394) (E-11701)
434.8	am	(P-7115)	530.250	n	(P-11394) (E-11701)
434.9	am	(P-7115)	530.260	am	(P-11394) (E-11701)
434.10	n	(P-7115)	540.10	r	(P-11386) (E-11667)
434.11	#	(P-7115)	540.20	r	(P-11386) (E-11667)
434.12	n	(P-7115)	540.30	r	(P-11386) (E-11667)
505.5	am	(P-1731; A-9964)	540.40	r	(P-11386) (E-11667)
505.10	am	(P-1731; A-9964)	540.50	n	(P-20088/92; A-6244)
505.30	am	(P-1731; A-9964)		r	(P-11386) (E-11667)
505.40	am	(P-1731; A-9964)	552.10	r	(P-11396) (E-11733)
505.50	am	(P-1731; A-9964)	552.20	r	(P-11396) (E-11733)
505.60	am	(P-1731; A-9964)	552.30	r	(P-11396) (E-11733)
505.70	am	(P-1731; A-9964)	552.35	r	(P-11396) (E-11733)
505.80	am	(P-1731; A-9964)	552.40	r	(P-11396) (E-11733)
510.5	n	(P-11380) (E-11608)	552.50	r	(P-11396) (E-11733)
510.10	am	(P-11380) (E-11608)	552.60	r	(P-11396) (E-11733)
510.20	am	(P-11380) (E-11608)	552.70	r	(P-11396) (E-11733)
510.30	am	(P-11380) (E-11608)	552.80	r	(P-11396) (E-11733)
510.40	am	(P-11380) (E-11608)	552.90	r	(P-11396) (E-11733)
510.50	am	(P-11380) (E-11608)	552.100	r	(P-11396) (E-11733)
510.60	am	(P-11380) (E-11608)	552.110	r	(P-11396) (E-11733)
510.70	am	(P-11380) (E-11608)	552.120	r	(P-11396) (E-11733)
510.80	am	(P-11380) (E-11608)	553.10	n	(P-11384) (E-11657)
510.90	am	(P-11380) (E-11608)	553.20	n	(P-11384) (E-11657)
510.100	am	(P-11380) (E-11608)	553.30	n	(P-11384) (E-11657)
510.105	n	(P-11380) (E-11608)	553.50	n	(P-11384) (E-11657)
510.110	am	(P-11380) (E-11608)	553.60	n	(P-11384) (E-11657)
510.120	am	(P-11380) (E-11608)	553.40	n	(P-11384) (E-11657)
515.100	am	(P-11378) (E-11589)	553.70	n	(P-11384) (E-11657)
515.110	n	(P-11378) (E-11589)	553.80	n	(P-11384) (E-11657)
515.120	n	(P-11378) (E-11589)	553.90	n	(P-11384) (E-11657)
515.130	n	(P-11378) (E-11589)	553.100	n	(P-11384) (E-11657)
515.140	n	(P-11378) (E-11589)	553.110	n	(P-11384) (E-11657)
515.150	n	(P-11378) (E-11589)	553.120	n	(P-11384) (E-11657)
515.400	am	(P-11378) (E-11589)	553.130	n	(P-11384) (E-11657)
515.410	n	(P-11378) (E-11589)	553.140	n	(P-11384) (E-11657)
515.420	n	(P-11378) (E-11589)	557.10	am	(P-11382) (E-11652)
515.430	n	(P-11378) (E-11589)	557.20	r	(P-11382) (E-11652)
515.440	n	(P-11378) (E-11589)	557.30	am	(P-11382) (E-11652)
			557.40	am	(P-11382) (E-11652)

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562.20	am	(P-14189/92; A-3895) (P-11388) (E-11676)	587.600	r	(P-11406) (E-11784) (P-952; W-3686)
562.30	am	(P-14189/92; A-3895) (P-11388) (E-11676)	587.610	n	(P-11416) (E-11812)
562.40	am	(P-11388) (E-11676)	590.10	n	(P-11416) (E-11812)
562.60	am	(P-11388) (E-11676)	590.20	n	(P-11416) (E-11812)
562.70	am	(P-11388) (E-11676)	590.30	n	(P-11416) (E-11812)
562.80	am	(P-11388) (E-11676)	590.35	n	(P-11416) (E-11812)
562.90	am	(P-11388) (E-11676)	590.40	n	(P-11416) (E-11812)
567.20	am	(P-10403/92; A-149) (P-11392) (E-11696)	590.50	n	(P-11416) (E-11812)
567.30	am	(P-10403/92; A-149) (P-11392) (E-11696)	590.60	n	(P-11416) (E-11812)
567.100	am	(P-10403/92; A-149) (P-11392) (E-11696)	590.70	n	(P-11416) (E-11812)
572.20	am	(P-11402) (E-11770)	590.80	n	(P-11416) (E-11812)
572.30	n	(P-11402) (E-11770)	590.90	n	(P-11416) (E-11812)
572.50	am	(P-11402) (E-11770)	590.100	n	(P-11416) (E-11812)
572.60	r,n	(P-11402) (E-11770)	590.110	n	(P-11416) (E-11812)
572.70	am	(P-11402) (E-11770)	590.120	n	(P-11416) (E-11812)
572.80	am	(P-11402) (E-11770)	590.130	n	(P-11416) (E-11812)
572.90	am	(P-11402) (E-11770)	590.140	n	(P-11416) (E-11812)
572.100	am	(P-11402) (E-11770)	590.150	n	(P-11416) (E-11812)
572.110	n	(P-11406) (E-11784)	590.160	n	(P-11416) (E-11812)
587.10	r	(P-11406) (E-11784)	590.170	n	(P-11416) (E-11812)
587.20	r	(P-11406) (E-11784)	590.180	n	(P-11416) (E-11812)
587.30	r	(P-11406) (E-11784)	590.190	n	(P-11416) (E-11812)
587.40	r	(P-11406) (E-11784)	590.200	n	(P-11416) (E-11812)
587.50	r	(P-11406) (E-11784)	590.210	n	(P-11416) (E-11812)
587.60	r	(P-11406) (E-11784)	590.220	n	(P-11416) (E-11812)
587.70	r	(P-11406) (E-11784)	590.230	n	(P-11416) (E-11812)
587.105	r	(P-11406) (E-11784)	590.240	n	(P-11416) (E-11812)
587.106	r	(P-11406) (E-11784)	590.250	n	(P-11416) (E-11812)
587.107	r	(P-11406) (E-11784)	590.260	n	(P-11416) (E-11812)
587.110	r	(P-11406) (E-11784)	590.270	n	(P-11416) (E-11812)
587.111	r	(P-11406) (E-11784)	590.280	n	(P-11416) (E-11812)
587.120	r	(P-11406) (E-11784)	590.290	n	(P-11416) (E-11812)
587.130	r	(P-11406) (E-11784)	590.300	n	(P-11416) (E-11812)
587.200	r	(P-11406) (E-11784)	590.310	n	(P-11416) (E-11812)
587.300	r	(P-11406) (E-11784)	590.320	n	(P-11416) (E-11812)
587.400	r	(P-11406) (E-11784)	590.330	n	(P-11416) (E-11812)
587.410	r	(P-11406) (E-11784)	590.340	n	(P-11416) (E-11812)
587.420	r	(P-11406) (E-11784)	590.350	n	(P-11416) (E-11812)
587.430	r	(P-11406) (E-11784)	590.360	n	(P-11416) (E-11812)
587.440	r	(P-11406) (E-11784)	590.370	n	(P-11416) (E-11812)
587.450	r	(P-11406) (E-11784)	590.375	n	(P-11416) (E-11812)
587.500	r	(P-11406) (E-11784)	590.380	n	(P-11416) (E-11812)
587.510	r	(P-11406) (E-11784)	590.390	n	(P-11416) (E-11812)
			590.400	n	(P-11416) (E-11812)
			590.410	n	(P-11416) (E-11812)
			590.420	n	(P-11416) (E-11812)
			590.430	n	(P-11416) (E-11812)
			590.440	n	(P-11416) (E-11812)
			590.450	n	(P-11416) (E-11812)

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590.470 n	(P-11416) (E-11812)	597.150 r	(P-11420) (E-11856)		67.60 n
590.480 n	(P-11416) (E-11812)	597.200 r	(P-11420) (E-11856)	(P-11398) (E-11745)	67.70 n
590.490 n	(P-11416) (E-11812)	597.300 r	(P-11420) (E-11856)	(P-10397/92; A-425)	67.80 n
590.500 n	(P-11416) (E-11812)	597.310 r	(P-11420) (E-11856)	(P-77; A-6260)	67.90 n
590.510 n	(P-11416) (E-11812)	597.320 r	(P-11420) (E-11856)	(P-77; A-6260)	67.100 n
590.520 n	(P-11416) (E-11812)	597.330 r	(P-11420) (E-11856)	(P-77; A-6260)	67.110 n
590.530 n	(P-11416) (E-11812)	597.400 r	(P-11420) (E-11856)	(P-18759/92; A-6248)	67.120 n
590.540 n	(P-11416) (E-11812)	597.410 r	(P-11420) (E-11856)	(E-6886)	67.130 n
590.550 n	(P-11416) (E-11812)	602.10 r	(P-11404) (E-11780)	(E-6886)	67.140 n
590.560 n	(P-11416) (E-11812)	602.20 r	(P-11404) (E-11780)	(E-6886)	67.140 n
590.570 n	(P-11416) (E-11812)	607.10 r	(P-11408) (E-11796)	(E-6886)	77.10 n
590.580 n	(P-11416) (E-11812)	607.20 r	(P-11408) (E-11796)	(E-6886)	77.20 n
590.590 n	(P-11416) (E-11812)	607.50 r	(P-11390) (E-11686)	(E-6886)	77.30 n
590.600 n	(P-11416) (E-11812)	607.60 r	(P-11390) (E-11686)	(P-11400) (E-11766)	77.40 n
590.610 n	(P-11416) (E-11812)	612.10 r	(P-11410) (E-11801)	(P-15354/92; A-1137)	77.50 n
590.620 n	(P-11416) (E-11812)	612.20 r	(P-11410) (E-11801)	(P-15354/92; A-1137)	77.60 n
590.630 n	(P-11416) (E-11812)	617.20 am	(P-11390) (E-11686)	(P-15354/92; A-1137)	77.70 n
590.640 n	(P-11416) (E-11812)	617.30 am	(P-11390) (E-11686)	(P-7780) (E-8052;	77.80 n
590.650 n	(P-11416) (E-11812)	617.55 am	(P-11390) (E-11686)	W-8318) (E-9735)	77.90 n
590.660 n	(P-11416) (E-11812)	617.60 am	(P-11390) (E-11686)	(P-15354/92; A-1137)	77.100 n
590.670 n	(P-11416) (E-11812)	617.80 am	(P-11390) (E-11686)	(P-15354/92; A-1137)	77.110 n
590.680 n	(P-11416) (E-11812)	617.110 am	(P-11390) (E-11686)	(P-7780) (E-8052;	77.120 n
590.700 n	(P-11416) (E-11812)	622.10 r	(P-11412) (E-11804)	W-8318) (E-9735)	77.130 n
590.710 n	(P-11416) (E-11812)	622.20 r	(P-11412) (E-11804)	(P-15354/92; A-1137)	77.140 n
590.720 n	(P-11416) (E-11812)	622.30 r	(P-11412) (E-11804)	(P-15354/92; A-1137)	77.140 n
590.730 n	(P-11416) (E-11812)	657.10 r	(P-11414) (E-11808)	(P-7780) (E-8052;	77.140 n
590.740 n	(P-11416) (E-11812)	657.20 r	(P-11414) (E-11808)	E-8318) (E-9735)	77.140 n
590.750 n	(P-11416) (E-11812)	680.300 am	(P-943; A-7230)	(P-15354/92; A-1137)	77.140 n
592.10 r	(P-11422) (E-11864)	685.150 am	(P-18947/92; A-6256)	(P-15354/92; A-1137)	77.140 n
592.20 r	(P-11422) (E-11864)	690.100 am	(P-15065/92; A-3675)	(P-15354/92; A-1137)	77.140 n
592.30 r	(P-11422) (E-11864)	690.200 am	(P-15065/92; A-3675)	(P-15354/92; A-1137)	77.140 n
592.40 r	(P-11422) (E-11864)	690.300 am	(P-15065/92; A-3675)	(P-7780) (E-8052;	77.140 n
592.45 r	(P-11422) (E-11864)	690.400 am	(P-15065/92; A-3675)	E-8318) (E-9735)	77.140 n
592.50 am	(P-11422) (E-11864)	708.300 am	(P-9852) (E-10003)	(P-15354/92; A-1137)	77.140 n
592.55 r	(P-1375; W-3687)	730.10 am	(P-11398) (E-11745)	(P-15354/92; A-1137)	77.140 n
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700.50 n	(P-17235/92; A-4484)
700.60 n	(P-17235/92; A-4484)
700.70 n	(P-17235/92; A-4484)
700.80 n	(P-17235/92; A-4484)
700.90 n	(P-17235/92; A-4484)
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704.30 n	(P-17244/92; A-4494)
704.40 n	(P-17244/92; A-4494)
704.50 n	(P-17244/92; A-4494)
704.60 n	(P-17244/92; A-4494)
704.70 n	(P-17244/92; A-4494)
704.80 n	(P-17244/92; A-4494)
704.90 n	(P-17244/92; A-4494)
704.100 n	(P-17244/92; A-4494)
704.110 n	(P-17244/92; A-4494)
704.120 n	(P-17244/92; A-4494)
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2520.214	n	(P-542; A-8539)	2520.405	r	(P-566; A-8536)
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2520.225	r	(P-566; A-8536)			
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2520.300	r	(P-566; A-8536)			
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2520.304	r	(P-566; A-8536)			
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